

STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

State of New Hampshire

v.

Dustin Duren

214-2024-CR-28

DEFENDANT'S SENTENCING MEMORANDUM

Now comes the Defendant, Dustin Duren, through counsel, Margaret Kettles and Hanna Kinne, Esq., and respectfully submits the following memorandum to be considered when imposing sentence.

Procedural Posture and Defendant's Proposed Sentence

1. Dustin Duren was charged by way of indictment with two counts of second degree murder (alternate theories) and with reckless conduct. He was also charged by complaint with endangering the welfare of a child.
2. He was tried by a jury of his peers in October 2025 and was convicted.
3. Mr. Duren is scheduled to be sentenced on December 11, 2025.
4. For the reasons that follow, and for the reasons that will be discussed at the sentencing hearing, Mr. Duren, by and through counsel, requests that this Honorable Court impose the following sentence
 - Second Degree Murder
 - 25 years to life in the New Hampshire State Prison, stand committed
 - Mr. Duren is entitled to 650 days pretrial confinement credit.

- Subject to the provisions of the statute, the Department of Corrections shall have the authority to award Mr. Duren earned time reductions against the minimum and maximum sentences for successful completion of programming while incarcerated.
- Reckless Conduct
 - 3 ½ to 7 years in the New Hampshire State prison, all suspended for 50 years
- Endangering the Welfare of a Child
 - 12 months in the House of Corrections, all suspended for 50 years
- The Reckless Conduct and Endangering the Welfare of a Child Sentences are to run consecutively if imposed.

Dustin Duren's Personal History

5. The Court heard from Dustin at trial about his personal history. The information below is submitted in addition to the details that Dustin shared during the trial.
6. Dustin was born on March 4, 1987 in Minnesota, the child of Mark and Deb Duren. Mark and Deb have been married for almost 40 years. Before retirement, Deb was a banker at Wells Fargo and Mark was a sheriff. Mark also served as a Marine. Mark and Deb have submitted letters in support of Dustin, as have other family members.
7. Dustin has an older half sister, Heather with whom he is close. He has a younger brother, Nick. Heather will address the court in support of Dustin at the sentencing hearing.

8. Dustin did very well in high school. He graduated with honors and a 3.5 GPA. He was invited to a national math competition in middle school, and took advanced, college-level calculus classes in high school. His senior year he was the social studies student of the year. He participated in track and cross country. He was involved in the school band and debate. Outside of school he enjoyed working with computers, playing video games, and playing in a band with friends.
9. While still in high school, Dustin joined the Marine Delayed Entry Program. Dustin was initially in the Marine Reserves. Dustin completed boot camp and infantry training at Camp Pendleton, CA, and then completed his Marines job training in Pensacola, Florida. He was the battalion high shooter in boot camp.
10. While in the Reserves, Dustin also attended the University of St. Thomas in Minnesota for a period of time. He played guitar in the school's jazz band and was on the practice squad for the university football team.
11. Dustin left the University of St. Thomas and became an active duty Marine. His Military Occupational Specialty (MOS) was Aircraft Recovery. He was stationed in Okinawa, Japan, and also served in Korea, the Philippines, Thailand, and Kuwait. He trained to become a Combat Marksmanship Coach and trained other Marines on how to perfect their shooting.
12. Dustin was deployed to Iraq and was stationed at Al-Asad. While Dustin experienced many of the rigors and stressors of a tour in Iraq, like being shot at while in a helicopter, the most impactful moment of his military service occurred on base.

13. He and some other Marines heard a loud noise and went to the housing unit from which they believed the noise had come. They found that their fellow Marine had died by suicide.
14. Dustin felt guilty that he hadn't known his fellow Marine needed help. He saw him everyday, but did not know how he was feeling. A memorial was scheduled for the Marine on base, but his sergeant called the unit together, told them not to go, and furiously disparaged the man who had died by suicide. This reaction confused Dustin. Despite the sergeant's anger, Dustin still went to the service.
15. Dustin left the Marines in 2011 and was honorably discharged as a sergeant.
16. More details about Dustin's military service can be found in Captain Art Cody's attached memorandum. A letter of support from a fellow Marine and close friend is also attached.
17. After his military service, Dustin moved to Los Angeles. He obtained his associates degree, played in bands, and held a variety of jobs in the field of audio engineering. He was also in a long term relationship, but was experiencing mental health symptoms that caused both his employment and his relationship to suffer. His partner at the time thought that he might have PTSD.
18. Eventually, Dustin obtained a mental health diagnosis. Due to the traumatic event that he experienced in Iraq, Dustin has been diagnosed with PTSD. The VA has determined that Dustin has a 70% service-connected disability rating due to his PTSD (with an overall disability rating of 80%).
19. Dustin's diagnoses of depression and PTSD have impacted every area of his life: his ability to maintain employment, his relationships, his decision making, and his

overall well-being have been permanently impacted by his service-connected disability. Dustin has a years-long history of suicidal ideation and past suicide attempts. More information about Dustin's mental health, and the relationship between his mental health and the events of this case, can be found in an attached report authored by Dr. Roger Pitman. Dr. Pitman's CV is also attached.

20. Dustin not only deals with his own lasting mental illness connected to his service, he has also seen the impact that military service has had on others he cares about. Others from his unit have died by suicide or as a result of drug overdoses, and friends he knows from various military organizations have also died by suicide. Dustin struggles with guilt about his inability to support the other veterans in his life as they've dealt with mental health challenges similar to his own.

21. Dustin has been connected to and involved with a variety of veterans' organizations, including the American Legion, the Order of the Purple Heart, and Merging Vets and Players (MVP). He has both found support through these organizations and has provided support to others. He is also a long time sponsor of a child in poverty through the non-profit Children's International.

22. Dustin loves his daughters. Prior to his incarceration, Dustin loved spending time with his girls, taking them to the library, reading with them, playing with them, and taking them to the park. Dustin's daughters are the most important thing in his life. They give his life purpose and meaning, and he would do anything for them.

23. Since his incarceration, Dustin has engaged in mental health treatment and in pastoral counseling. He is taking psychiatric medication as prescribed and has

reconnected with his faith. Dustin's pastor will address the Court at the sentencing hearing.

Legal Argument

24. The defense requests that the Court impose a sentence of 25 years – life stand committed, with additional suspended prison time. In making its sentencing request, the defense recognizes that the court is “vested with broad discretionary powers with regard to sentencing.” State v. Benner, 172 N.H. 194, 198 (2019).
25. The defense respectfully submits that its proposal achieves the aims of sentencing. “Sentencing is ‘the process in which rehabilitation, deterrence, and punishment converge, and where the sentencing court, directed by the Criminal Code and common law, hands down society's punishment upon a defendant for his or her crime.’” Id. (quoting State v. Rothe, 142 N.H. 483, 484 (1997)). Ultimately, the “real purpose of all sentencing” is “to reduce crime.” State v. Wentworth, 118 N.H. 832 (1978); see also N.H. CONST. PT. 1, ART. 18 (“The true design of all punishments being to reform, not to exterminate mankind.”). In requesting its proposed sentence, the defense asks the Court to impose a sentence that differentiates between retribution and punishment. Retribution is focused on vengeance and revenge. See Doe v. State, 167 N.H. 382, 407 (“Retribution is vengeance for its own sake.”). When retribution is considered and applied in sentencing, the principles of justice are not met.
26. In sentencing Mr. Duren in accordance with the principles of justice, the Court must consider the sentence that will directly punish Mr. Duren, that will deter

such conduct in the future both by Mr. Duren and by society at large, and Mr. Duren's rehabilitation.

27. Imposing the defendant's requested sentence – a decades-long prison sentence, but one that allows Mr. Duren the possibility of parole – correctly balances the aims of sentencing.

28. By sentencing Mr. Duren to 25 years in prison, the Court will punish him. He will not be able to see his children grow up into adults. He will be removed from society for decades. He will spend a significant portion of his life behind bars.

29. The proposed sentence – which will require Mr. Duren to be on parole for the remainder of his life and which will include additional suspended prison time – will deter Mr. Duren specifically. If he is not of good behavior after he is paroled, Mr. Duren will return to prison for an extended period of time.

30. The proposed sentence will also serve as a potential deterrent to society at large: it sends the message that the crimes for which Mr. Duren is being sentenced are unacceptable and will result in decades of incarceration.

31. Finally, the sentence incorporates the goal of rehabilitation. By authorizing Mr. Duren to earn time off his sentence for the completion of programming while incarcerated, the sentence incentivizes Mr. Duren to rehabilitate himself and participate in any and all programming the prison will offer to him.

32. The sentence proposed by the defense allows the Court to appropriately utilize its discretion. If the New Hampshire Legislature intended for all individuals convicted of murder – regardless of whether they were convicted of first-degree or second-degree murder – to serve the remaining portion of their life in prison,

the Legislature would amend the laws of this State to mandate life sentences for all murder convictions. Because the Legislature has not done so, the Court should consider each of the aims of sentencing and not impose a sentence so lengthy that it would be a de facto life sentence.

33. The defense recognizes the seriousness of the crimes of which Mr. Duren has been convicted, and that there is no sentence that can undo the harm done or make Ms. Naffziger's family whole. Mr. Duren asks the Court to fairly consider all three goals of sentencing when determining what sentence to be imposed.

Comparative Sentences

34. The Court has broad discretion when imposing sentence. No two cases are exactly alike, even if the offense of the same. Circumstances of the offense and the aspects of the particular defendant to be sentenced means that sentences should not be one-size-fits-all.

35. While the State's sentencing memorandum identifies some sentences handed down by trial courts for past second-degree murder convictions, the State's Memorandum does not include all such sentences. Noting that no two cases are exactly alike, the defense provides the Court with additional sentencing comparisons for the Court's consideration:

- State v. Dillon Sleeper (217-2022-CR-740)¹
 - The defendant was convicted of second-degree murder for stabbing a man to death.

¹See <https://www.wmur.com/article/hooksett-new-hampshire-dillon-sleeper-sentenced/46213168> (last visited December 1, 2025).

- The defense argued at trial that the defendant acted in self-defense.
- After trial, Mr. Sleeper was sentenced to 25 years to life in prison.
- State v. Tyrese Harris (216-2022-CR-2434)^{2, 3}
 - The defendant was convicted of second-degree murder for shooting another person in a road rage incident.
 - The defense argued at trial that Mr. Harris acted in self-defense.
 - After trial, the defendant was sentenced to 25 years to life in prison.
- State v. Drew Morris (216-2015-CR-1139)⁴
 - The defendant pled guilty to second degree murder for shooting a man three times in the neck and chest.
 - The defendant initially told the police he acted in self-defense, but changed his story when confronted with the physical evidence.
 - He was sentenced to 25 years to life with five years off his sentence for compliance with certain conditions.
- State v. John Hogarty (216-2013-CR-450)^{5,6}
 - The defendant was initially charged with first degree murder. He pled guilty to second degree murder for killing his wife by slicing her

²See <https://manchester.inklink.news/manchester-man-faces-life-in-prison-death-of-truck-driver-in-road-rage-incident/> (last visited December 1, 2025).

³ See <https://www.wmur.com/article/nh-supreme-court-road-rage-tyrese-harris-72225/65477150> (last visited December 1, 2025).

⁴ See <https://www.wmur.com/article/guilty-plea-brings-few-answers-for-family-of-shooting-victim/8105265> (last visited December 1, 2025).

⁵ See <https://www.wmur.com/article/autopsy-shows-manchester-woman-was-stabbed-in-neck/5181347> (last visited December 3, 2025).

⁶ See <https://www.wmur.com/article/manchester-man-pleads-guilty-in-wife-s-stabbing-death/5190586> (last visited December 3, 2025).

throat and stabbing her in the neck several times. He was sentenced to 30 years to life.

- State v. Katlin Paquette (216-2015-CR-1389)⁷
 - The defendant pled guilty to second degree murder for killing her 21-month old child with two blows to the head and was sentenced to 21 to 42 years in prison.
- State v. Jonathan Bijeol (216-2017-CR-170)⁸
 - The defendant killed a 61 year old man by blunt force trauma.
 - He was sentenced to 30 years to life on a second degree murder charge.
 - That sentence was consecutive to a First Degree Assault sentence Mr. Bijeol was serving for a different matter.
- State v. Gary Marchand (09-S-2240-41)⁹
 - The defendant was originally charged with first degree murder. He pled to second degree murder and was sentenced to 25 years to life.
 - The defendant struck, kicked, stabbed, and bound and gagged his wife, before covering her with a shower curtain and leaving her in the bathroom for three days.

⁷ See <https://www.wmur.com/article/mother-charged-in-toddler-daughters-death-expected-to-plead-guilty/8556725> (last visited December 3, 2025).

⁸ See <https://www.doj.nh.gov/news-and-media/plea-and-sentence-connection-august-28-2016-homicide-manchester-new-hampshire-state> (last visited December 1, 2025).

⁹ See <https://www.nashuatelegraph.com/news/local-news/2013/04/09/hollis-woman-8217s-killer-sentenced-to-25-years-as-victim-8217s-family-say-he-deserved-life-in-prison-or-worse/> (last visited December 3, 2025).

- State v. Justin Belanger^{10, 11}
 - The defendant was convicted of second degree murder at trial for shooting a woman.
 - While incarcerated on the homicide charges, and prior to sentencing, the defendant got into a fight with another inmate, broke the jaw of a corrections officer, was in possession of a shank, and used drugs.
 - He was sentenced to 30 years to life in prison, with the possibility of sentence reductions if he attained certain behavior and educational goals.
- State v. Peter Bartoloni (218-2013-CR-1042)¹²
 - The defendant pled guilty to second degree murder killing his roommate with a sledgehammer.
 - The defendant had a violent criminal record that included a conviction for rape, a separate conviction for assault to commit rape, and convictions for armed robbery and escape.
 - He was sentenced to 25 to 50 years in prison.

36. The cases and sentences discussed in paragraph 35 are merely a sample of sentences that have been imposed by trial courts in New Hampshire. These sentencing comparisons demonstrate that the sentence being proposed by the

¹⁰ See <https://www.fosters.com/story/news/crime/2022/05/03/justin-belanger-gets-30-years-life-murder-woman-rochester-billy-jo-ahearn> (last visited December 3, 2025).

¹¹ See <https://www.doj.nh.gov/resources/press-releases/sentencing-justin-belanger-murder-billy-ahearn-rochester-new-hampshire> (last visited December 3, 2025).

¹² See <https://www.fosters.com/story/news/crime/2014/04/24/man-gets-25-50-years/37514116007/> (last visited December 3, 2025).

defense is within the range of sentences imposed in the State of New Hampshire for the crime of second degree murder.

Summary of Attached Documents

37. There are multiple attachments to this sentencing memorandum. Attachment A is a Military Mitigation Report authored by retired U.S. Navy Captain Art C. Cody, Esq., followed by Capt. Cody's CV. Capt. Cody's report outlines the reasons why Dustin's military service calls for leniency in sentencing.
38. Attachment B is a Forensic Psychiatric Evaluation drafted by Dr. Roger Pitman, followed by Dr. Pitman's CV. Dr. Pitman's evaluation explores the relationship between Dustin's service-connected PTSD and the events of February 29, 2024.
39. Attachment C includes letters from several of Dustin's friends and family members.

Conclusion

40. Mr. Duren respectfully requests that the Court take into account his military service and the permanent impact that his service has had on his mental health and overall functioning, as well as his lack of criminal record, when imposing sentence. The defense submits that its proposed sentence is in line with other sentence imposed by the trial courts of this state, and it appropriately balances the aims of sentencing – punishment, rehabilitation, and deterrence.
41. For the reasons discussed in this memorandum, and the reasons to be discussed at the sentencing hearing, Mr. Duren requests that the Court impose a

sentence of 25 years to life on the second degree murder charge, with additional suspended time on the other charges.

THEREFORE, Mr. Duren respectfully prays the Court:

- A) ACCEPT this sentencing memorandum; and
- B) GRANT any other fair and just relief.

Respectfully submitted,

/s/ Margaret Kettles
Margaret Kettles, Esq., Bar ID# 270836
New Hampshire Public Defender
485 NH Route 10
Orford, NH 03777
(603) 353-4440

CERTIFICATE OF SERVICE

I certify that a copy of this has been forwarded to Bethany Durand, Esq. and Joshua Speicher, Esq. of the NH Attorney General's Office on December 4, 2025.

/s/ Margaret Kettles

Margaret Kettles, Esq.

ATTACHMENT A

COOS COUNTY SUPERIOR COURT

STATE OF NEW HAMPSHIRE

v.

DUSTIN M. DUREN

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NO. 214-2024-CR-00028

MILITARY MITGATION REPORT RE DUSTIN M. DUREN

I. INTRODUCTION

The people of the United States have long held the contributions and sacrifices of combat veterans in high regard. The Supreme Court has explicitly recognized the American people’s desire to show leniency in sentencing such former military personnel even in the most serious of cases. As discussed below, lower courts and legislatures across the country are in accord. This general forbearance in sentencing veterans applies *a fortiori* to those who have contributed greatly and suffered significant mental health injuries connected to their service. Dustin Duren fits squarely inside this category of veterans who deserve increased consideration. Volunteering for the Marine Corps at the youngest possible age with two ground wars raging, Mr. Duren consciously placed himself at significant risk of combat deployment and consequent mental health injuries.¹ That risk came to fruition.

¹ Art Cody is a Retired United States Navy Captain with thirty-four years of service. He has been retained by Mr. Duren’s counsel to provide insight into his military career. Captain Cody graduated from the United States Military Academy at West Point in 1982 and served as an Army helicopter pilot until departure from the active-duty Army in 1987. From that point, he transitioned to the Navy Reserve and was a pilot in a Strike Rescue/Special Operations squadron. While in the Navy, he deployed multiple times to combat zones, most recently Afghanistan in 2011-2012. He retired from the US military in 2012. Since 2014, he has specialized in developing and presenting military related mitigation for combat veterans.

The arduous, and at times gruesome, conditions that were part and parcel of Iraq combat tours have oft been enumerated in American media. They include the continuous threat of death from various sources and perhaps saddest in this sea of pathos, experiencing the aftermath of the suicide of a fellow Marine. Mr. Duren experienced each and every one of these. And more.

Such close and frequent association with violent death does not leave one unscathed. The extent to which Dustin Duren has been mentally wounded cannot be gainsaid. Like many of his contemporary servicemen and servicewomen, his service has levied a toll upon him as evidenced by his 80% Veterans Administration (“VA”) service-connected disability rating, 70 % of which is for Post-Traumatic Stress Disability (“PTSD”).² While the offenses in this case are the most serious, Mr. Duren’s decision to serve in the Marine Corps, his contributions during his time in Iraq, and the effect of that service upon him, provide the Court solid bases for leniency.

II. LEGAL BASIS

In *Porter v. McCollum*, 558 U.S. 30 (2009) (a capital murder case), the United States Supreme Court emphasized the high value our nation places upon military service and explicitly recognized the appropriateness of leniency in combat veterans’ cases, even capital cases. “Our Nation has a long tradition of according leniency to veterans in recognition of their service, especially for those who fought on the front lines. . . . Moreover, the relevance of . . . extensive combat experience is not only that [the defendant] served honorably under extreme hardship and gruesome conditions, but also that the jury might find mitigating the intense stress and mental and emotional toll that combat took” *Porter*, 558 US at 43. The Court’s *per curiam* decision thus recognized the mitigation value of both 1) the veteran’s contribution to the

² Forensic Psychiatric Evaluation by Roger K. Pitman, M.D. (“Pitman Report”) at 6.

country and 2) the impact of that service upon the veteran. Courts across the nation and have been in accord with *Porter*.³

Both species of *Porter*'s mandate are manifest here. As mentioned above, even among those few who have served in the military, Mr. Duren's experience is exceptional.⁴ As in *Porter*, what Mr. Duren went through during his time in Iraq is at the distal end of human experience and has had a profound effect upon him. This case presents a chance to fulfill New Hampshire's and our country's oft-repeated pledge to support our veterans by taking into consideration Mr. Duren's service and sacrifice and allowing this first-time offender a meaningful opportunity to one day reenter the society he defended at such great cost to himself.

III. MR. DUREN'S MILITARY HISTORY

A. Volunteering at a Dangerous Time

On June 25, 2004, at the age of 17, the youngest possible age, and requiring parental consent,⁵ Mr. Duren committed to Marine Corps via the Delayed Enlistment Program⁶ In the

³ *United States v. Nania*, 723 F.3d 824, 840 (7th Cir. 2013) (affirming a mitigated sentence for an Army veteran living with alcoholism and drug dependence); *Riel v. Warden*, 2015 U.S. Dist. LEXIS 147951, at *167 (E.D. Cal. October 30, 2015) (trial court at sentencing must consider defendant's service-connected PTSD and alcohol use as self-medication). See also *Pope v. Crews*, 936 F. Supp. 2d 1331, 1352-54, 59-62 (S.D. Fla. 2013); *Hopkins v. Superior Court*, 2 Cal. App. 5th 1275, 1288 (Cal. Ct. App. 2016); See *People v. Ivan*, Supreme Court of the State of New York County of Queens: Criminal Term, September 24, 2015. Judge Leach: "Heal, integrate, become whole again as you provided a great service to this country. We are thankful for that and want this wonderful disposition for you." See also *People v. Chase*, Supreme Court of the State of New York County of Dutchess Criminal Term, May 16, 2018, Judge McLoughlin "[Y]ou did serve our country, and that has a profound effect on this proceeding because not only should that be considered, but also had an effect and was part of the cause of what happened this day." See also *United States v. Canova*, 412 F.3d 331, 358-59 (2d Cir. 2005) ("The record plainly demonstrates the 'exceptional degree' of Canova's public service and good works. [H]e volunteered for the Marine Corps, in which he honorably served his country for six years... we reject the argument that the district court...abused its discretion in granting a downward [sentencing] departure"); [Driver in deadly crash sentenced to probation after sharing recovery journey | KRQE News 13](#).

⁴ The military makes up less than one half of one percent of the US population. <http://www.latimes.com/nation/la-na-warrior-main-20150524-story.html>.

⁵ June 22, 2004 Enlistment/Reenlistment Document (000836).

⁶ June 25, 2004 Enlistment/Reenlistment Document (000829). <https://www.marines.com/become-a-marine/process-to-join/delayed-entry-program.html>.

author's experience, enlisting the Marine Corps at the age of 17 is indicative of significant issues in the home and predictor of subsequent mental health issues. The combination of youth (not fully developed brain), insufficient life experience and lack of emotional foundational support can result in an inability to adequately cope with potential stressors, resulting in a higher likelihood of Post Traumatic Stress Disorder, particularly when the Marine is exposed to combat conditions at an early age.

In June of 2005, just barely over the age of 18, Dustin Duren formally enlisted in the Marine Corps Reserve.⁷ Service in the reserves, as opposed to active duty, was by no means "safe." During the post 9/11 conflicts Reserve units were frequently in combat and suffered casualties at rates commensurate or higher than active duty units.⁸ Despite the known danger, Mr. Duren chose the Marine Corps, the branch of service historically suffering the highest casualty rates.⁹ At that time of his enlistment, the Marines were heavily engaged in both the Iraq and Afghanistan conflicts and had suffered significant losses in both countries.¹⁰

B. Initial Training

Private (E1) Duren¹¹ underwent the rigors of Marine Corps Basic Training at Marine Corps Recruit Depot, San Diego, California.¹² That Boot Camp is widely considered to be the most

⁷ December 10, 2005 Certificate of Release or Discharge from Active Duty (hereinafter "First DD-214") (000670)

⁸ <https://www.gainesville.com/story/news/2005/10/11/reservists-die-in-ever-larger-proportions/31462983007/>; <https://www.belfercenter.org/publication/marine-corps-reserve-forces-operation-iraqi-freedom>.

⁹ Combat, Casualties, and Compensation: Evidence from Iraq and Afghanistan, August 2018 Naval Post Graduate School paper, Laura Armey, Thomas J. Kniesner, John D. Leeth, and Ryan Sullivan. [SSRN-id3249899.pdf](#).

¹⁰ [Heavy load: Marines hit hardest in Iraq \(nbcnews.com\)](#); [US Marines in Afghanistan Anthology.pdf](#).

¹¹ Dustin Duren was promoted several times while in the Marine Corps. He is referenced herein by the rank he held at the time of a particular event or the highest rank he held during a particular period of service. E "X" is a military shorthand indicating the servicemember's relative rank with E1 being the lowest, E2 being the next highest and *seriatim*.

¹² Chronological Record (000878) (Hereinafter "Chronological Record").

difficult of any initial training provided by the US armed forces.¹³ During that approximately “13 weeks of grueling training,”¹⁴ he learned among other things, “close order drill... combat marksmanship skills, land navigation and how to maneuver under enemy fire.”¹⁵ Upon completing Boot Camp, promotion to Private First Class (E2),¹⁶ and additional combat training at Camp Pendleton, California,¹⁷ PFC Duren reported to Naval Air Station Pensacola, Florida to receive training as an Expeditionary Airfield Systems Technician.¹⁸ In this role he was trained to “rapidly deploy and establish survivable, self-sustaining airfields in support of a wide range of military and humanitarian operations.”¹⁹ At core, this mission involves setting up and maintaining airfields for high performance aircraft in austere environments: preparing lighting, arresting gear²⁰ and making sure there were no foreign objects on the airfield. Such bases essentially serve the equivalent role of a land-based aircraft carrier. He completed his training for this specialty in December 2005 and was discharged from active duty.²¹

C. Reserve Assignment

After completing his initial training and PFC Duren began to drill with his Marine Corps Reserve unit, Marine Wing Support Squadron 47, located in Minneapolis, Minnesota. As a reservist he was called upon to perform four four-hour drills one weekend a month. During those drills, he and his fellow Marines would prepare for combat deployment by practicing setting up airfields and maintaining their equipment. In addition to the drill weekends, he was called upon

¹³ Author’s Knowledge.

¹⁴ [Recruit Training \(marines.mil\)](http://marines.mil).

¹⁵ [Training Summary \(By Week\) \(marines.mil\)](http://marines.mil).

¹⁶ The abbreviation for Private First Class is “PFC.”

¹⁷ Chronological Record.

¹⁸ <https://www.cool.osd.mil/usmc/moc/index.html?moc=7011&tab=overview>.

¹⁹ *Id.*

²⁰ Arresting gear catches the tail hook on a fixed wing aircraft and stops its forward motion. It is commonly used on aircraft carriers and short expeditionary airfields.

²¹ First DD 214.

to attend active duty for training two weeks a year. As discussed above, he was also subject to recall to active duty for combat deployments. Private First Class Duren remained in this “part time” role for approximately a year and a half.²²

D. Active Duty

In the spring of 2007, Lance Corporal (E3) Duren transitioned from the Reserves to Active Duty.²³ Essentially, this took him from being part-time to full-time Marine. At the time, the Marine Corps was suffering significant casualties in both Afghanistan and Iraq, particularly in Iraq as part of the Bush Administration’s “Troop Surge of 2007,” more commonly known as “the Surge.”²⁴

In the words of President Bush:

[W]e're deploying reinforcements of more than 20,000 additional soldiers and Marines to Iraq . . . [to] help Iraqi forces to clear and secure neighborhoods . . . [O]ur forces will help secure the city by chasing down the terrorists, insurgents, and the roaming death squads. And in Anbar Province, where al Qaeda terrorists have gathered . . .²⁵

The surge, while successful, resulted in the highest number of US casualties in any year of the Iraq War.²⁶ It was in this context that Lance Corporal (E3) Duren volunteered for active duty.

²² Chronological Record.

²³ *Id.*, April 23, 2011 Certificate of Release or Discharge from Active Duty (hereinafter “Second DD-214”). (000869)

²⁴ <https://dcas.dmdc.osd.mil/dcas/app/conflictCasualties/oif/deathsAll>.

²⁵ [President Bush Delivers State of the Union Address \(archives.gov\)](http://www.archives.gov).

²⁶ <https://www.dvidshub.net/news/521802/surge-successful-any-measure-pentagon-official-says>; <https://dcas.dmdc.osd.mil/dcas/app/conflictCasualties/oif/deathsAll>.

E. Active-Duty Assignments

a. Okinawa

By September of 2007, Lance Corporal Duren was stationed at Camp Foster, Okinawa, Japan with Marine Wing Support Squadron 172 (MWSS 172).²⁷ Here his mission was similar to what he had done in the reserves but with real world applications. He frequently travelled to the island of Ie Shima off the coast of Okinawa to work on an expeditionary airfield.²⁸ He would spend several nights at a time out on Ie Shima with a crew of Marines ensuring that airfield's operational capability. In this role, he was responsible for the safety of Marine jet aircraft such as the F-18.²⁹ While stationed at Okinawa, he participated in exercises in Thailand³⁰ and the Philippines. Due to the ongoing tensions between North Korea and South Korea, and in particular frequent North Korean attacks, Lance Corporal Duran deployed to Korea both in deterrence of, and anticipation of, further North Korean aggression and possible war.³¹

b. Iraq preparation

As discussed above, Marine Corps units were regularly rotating into Iraq as part of the surge and its aftermath. After preparatory training at Marine Corps Air Station Yuma, MWSS 172 deployed to Iraq in March 2008.³²

²⁷ Chronological Record; July 27, 2025 Conversation with Lonnie Selph (“Selph Conversation”).

²⁸ <https://www.marines.mil/News/Marines-TV/video/762488/dvpTag/IIIMEF/>.

²⁹ <https://www.navair.navy.mil/product/FA-18-D-Hornet>.

³⁰ <https://www.war.gov/Spotlights/Cobra-Gold/>. See also Certificate of Commendation for Performance during Cobra Gold (000877).

³¹ See https://www.youtube.com/watch?v=YyQta_5jSFo; <https://www.npr.org/2024/02/01/1228075128/north-korea-cruise-missiles-tensions-island-yeonpyeong>; <https://www.usfk.mil/What-We-Do/Exercises/Ulchi-Freedom-Shield/>.

³² Second DD-214.

c. Al Asad Air Base

i. Mission

Lance Corporal Duren deployed to Iraq in the spring of 2008 to Al-Asad Air Base, located in Al Anbar Province.³³ MWSS 172's mission was to support coalition combat aircraft in Iraq. Those aircraft were in turn providing vital air support to coalition ground troops. In addition to airfield operations, Lance Corporal Duren also assisted the Crash Fire Rescue crew with emergency landings.

ii Threats

While the fighting was not as severe as in 2007, Marine casualties remained high.³⁴ There were a variety of ways Marines could, and did, die in Iraq during this period.

(a) Improvised Explosive Devices (“IEDs”)

By 2008, the US military, including the Marines, had largely replaced the vulnerable High Mobility Multipurpose Wheeled Vehicle (HUMMV's) with larger and more armored Mine Resistant Ambush Protected vehicles or (MRAP's).³⁵ Although these newer vehicles enhanced survivability against IEDs, they were not completely impervious to attack. The danger to US troops from IEDs remained high in 2008.³⁶ The below is a photograph of the results of an IED attack on a MRAP.

³³ *Id.*; <https://www.airforce-technology.com/projects/al-asad-airbase-iraq/#:~:text=with%20multiple%20taxiways,-,Al%20Asad%20is%20an%20air%20force%20base%20located%20in%20the,and%20has%20an%20infantry%20school.>

³⁴ <https://dcas.dmdc.osd.mil/dcas/app/conflictCasualties/oif/deathsAll>.

³⁵ <https://www.thetruthaboutcars.com/2008/03/hmmwv-replacement-on-the-horizon/>; <https://www.military.com/off-duty/autos/rise-and-fall-of-humvee.html>; <https://www.gao.gov/products/gao-10-155t>.

³⁶ <https://www.defenseone.com/threats/2015/09/how-many-us-troops-were-killed-iranian-ieds-iraq/120524/>; <https://www.csis.org/analysis/afghan-and-iraqi-metrics-and-ied-threat>; <https://warontherocks.com/2017/05/how-the-ied-won-dispelling-the-myth-of-tactical-success-and-innovation/>.



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In addition to IED's planted on the roads, insurgents commonly used suicide bombers in vehicles, commonly known as Vehicle Borne IED's or VBIED's to attempt penetration of the defenses around US bases. ³⁸

(b) Small Arms

Iraqi insurgents were armed with a variety of weapons to include AK-47's, Russian made machine guns and Rocket Propelled Grenades ("RPGs"). Mr. Duren remembers being shot at while flying in helicopters and hearing bullets hitting his aircraft.

(c) Indirect Fires

Even time on major US military bases in Iraq, such as Al Asad, was by no means safe. Insurgents realized they could not successfully storm/capture US facilities and resorted to the use of mortars/rockets to harass and occasionally kill Americans on such large installations. Upon arrival, Lance Corporal Duren was vulnerable to this "indirect" fire.³⁹ The below account, while from Afghanistan, is representative of his experience in Iraq.

A voice over the public address system echoes through the cold air: "Rocket attack, rocket attack." . . . The announcement sends soldiers . . . scurrying into the concrete bunkers, where they will

³⁷ <https://warontherocks.com/2017/05/how-the-ied-won-dispelling-the-myth-of-tactical-success-and-innovation/>.

³⁸ <https://www.dvidshub.net/video/595726/marines-save-base-vbied>.

³⁹ Indirect fire refers to projectiles that follow a parabolic trajectory as opposed to a straight line of sight path.

away the time chatting, or just shivering in the dark, listening for the dull thud of more detonations outside. . . . For those caught in the open, the procedure is standard duck and dive. Hit the floor, face down. Cover the eyes. Hope the rocket doesn't land too close for injury or worse. . . . To protect against such attacks, there are blast walls everywhere. . . . Rocket impacts send shrapnel flying everywhere. The deadly chunks of white-hot metal are more likely to slam into the walls, not rip through the head or body. . . . When the first rocket detonates, the drill is to get down, then scramble to the nearest bunker. Take a seat. Be ready to stay there awhile. . . . In the dining facilities, in the office spaces in headquarters, in tents and compounds all across the airfield, people hit the deck. Then they hustle to the bunkers. . . . The possibility of a rocket attack is never far from one's mind and serves as a jarring reminder that the threat to [U.S.] forces . . . is real.⁴⁰

The dangers from enemy actions were such that many Marines felt that they would not survive the deployment. The view of Mr. Duren's fellow Marine, Corporal Lonnie Selph, is typical, "I did not expect to make it out alive."⁴¹ "I figure I would not make it."⁴²

iii. Suicide

In Iraq, death came not only at the hands of the enemy but also through the tragedy of suicide. In 2008, 268 US Service personnel died because of suicide.⁴³ Lance Corporal Duren's unit was among those that suffered such a casualty. On June 4th, approximately two months into the deployment, Corporal Christian Cotner ended his life at age 20 with his service M4 rifle.⁴⁴ The suicide took place in Corporal Cotner's room at Al Asad.⁴⁵ Mr. Duren recalls that the single gunshot as "very close and very loud."⁴⁶ Lance Corporal Duren and several other

⁴⁰ Rocket attacks fact of life on Kandahar base, NBCNEWS.COM (2010), http://www.nbcnews.com/id/35149406/ns/world_news-south_and_central_asia/t/rocket-attacks-fact-life-kandahar-base/#.W_s0S-hKjIU.

⁴¹ Selph Conversation.

⁴² *Id.*

⁴³ Department of Defense Suicide Event Report (DoDSER) Calendar year 2008 Annual Report.

⁴⁴ <https://thefallen.militarytimes.com/marine-cpl-christian-s-cotner/3560321>.

⁴⁵ *Id.*

⁴⁶ Conversation with Dustin Duren on March 5, 2025 ("Duren Conversation").

Marines knocked on his door but got no answer. He was among the first people on the scene and recalled that he saw Corporal Cotner's brains on the ceiling of the room.⁴⁷ "It was obvious he was dead. It was weird, lots of emotions. He must have been suffering so much that we did not see it. No one noticed it. I felt bad for him."⁴⁸

Mr. Duren and Mr. Selph emphasized that there was little or no official sympathy for Corporal Cotner.⁴⁹ Both reported that the chain of command, particularly Corporal Cotner's immediate superiors, expressed scant empathy for him. The Marines continued the mission. "There was no real pause, we got back to work."⁵⁰ In the author's opinion and experience, this is not an atypical command reaction to a suicide, particularly in a combat theater. Unit leadership tends to be focused solely on the mission at hand and any disruptions from that mission are heavily scrutinized. Memorials to those killed in action are seen as necessary but the military seeks to eliminate any thoughts of self-harm among its members, thus little if any command-sponsored sympathy is extended to suicide victims.

While understandable from an immediate mission-oriented position, such lack of closure can create significant negative long-term traumatic effects. In the author's experience, veteran trauma because of the sufferings and death of others can be of the same intensity as physical trauma suffered by the veteran himself. The Veterans Administration Percentage Disability rating system for Post Traumatic Stress Disorder is based upon symptomology as opposed to the source of the stressor.⁵¹

⁴⁷ *Id.*, Pitman Report at 3.

⁴⁸ Duren Conversation.

⁴⁹ *Id.*; Selph Conversation.

⁵⁰ *Id.*

⁵¹ <https://www.va.gov/disability/eligibility/ptsd/>.

d. Return to Okinawa

In October of 2008, Lance Corporal Duren returned to Okinawa and shortly thereafter was promoted to Corporal (E4). With this promotion came increased responsibilities. Corporal Duren was placed in charge of numerous other Marines and sent to perform expeditionary airfield duties at Kadena Air Force Base, also on Okinawa. Being placed in charge of other Marines and sent to another services installation is indicative of the trust placed on him by his chain of command.⁵²

e. Departure from Service

Like most first term active-duty Marines, Corporal Duren elected to leave the military after his first tour.⁵³ He was awarded an Honorable Discharge on April 25, 2011 and received a re-enlistment code of RE-1A, indicating that the Marines would welcome him back to active duty should he decide to later re-enlist.⁵⁴

f. Inactive Reserve

After departing active duty, Corporal Duren remained in the Inactive Reserve. In this capacity he was not required to drill but was subject to recall to active duty. While in the Inactive reserves, he was promoted to Sergeant (E5).⁵⁵ He completed his time in the Reserve in 2013 and was honorably discharged on June 24, 2012.⁵⁶

⁵² Individual armed services are selective in choosing representatives to go other service's bases.

⁵³ <https://taskandpurpose.com/news/marine-corps-enlistment-high-turnover/#:~:text=Berger's%20Talent%20Management%20plan%20offers,belt%20and%20hard%2Dwon%20experience.>

⁵⁴ [https://www.secnav.navy.mil/ig/Lists/FAQs/DispForm.aspx?ID=641.](https://www.secnav.navy.mil/ig/Lists/FAQs/DispForm.aspx?ID=641)

⁵⁵ Reenlistment Eligibility Data Report (REDD) (000913).

⁵⁶ *Id.*

IV. AFTERMATH OF SERVICE

Like many Marines of his era, Mr. Duren encountered significant issues reentering civilian life.⁵⁷ Much of those difficulties revolved around the memories of Iraq.⁵⁸ In particular and as is reflected in his VA progress notes, Corporal Cotner's suicide remained a major stressor.⁵⁹ Additionally, several of his fellow Marines committed suicide after their discharge.⁶⁰ As is recounted in Dr. Pitman's report, Mr. Duren struggled with the memories of those suicides and harbored his own suicidal thoughts.⁶¹ In February of 2022, the Veterans Administration assigned him was assigned a 70% disability rating for service connected Post-Traumatic Stress Disorder.⁶²

In evaluating the proper penalty in this case, it is essential to consider two implications of that rating. First, a 70% rating requires severe symptomology:

Occupational and social impairment, with deficiencies in most areas, such as work, school, family relations, judgment, thinking, or mood, due to such symptoms as: suicidal ideation; obsessional rituals which interfere with routine activities; speech intermittently illogical, obscure, or irrelevant; near-continuous panic or depression affecting the ability to function independently, appropriately and effectively; *impaired impulse control (such as unprovoked irritability with periods of violence)*; spatial disorientation; neglect of personal appearance and hygiene; *difficulty in adapting to stressful circumstances (including work or a worklike setting)*; inability to establish and maintain effective relationships. (emphasis added).⁶³

⁵⁷ See Forensic Psychiatric Evaluation by Roger K. Pitman, M.D. ("Pitman Report") at 3-5.

⁵⁸ *Id.*

⁵⁹ Las Vegas Veteran Administration Progress Notes at 37.

⁶⁰ Pitman Report at 4.

⁶¹ *Id.* at 5.

⁶² *Id.* at 6.

⁶³ <https://www.law.cornell.edu/cfr/text/38/4.130>; eCFR :: 38 CFR 4.130 -- Schedule of ratings—Mental disorders.

It is also important to consider that Mr. Duren's 70% disability is *service connected*.

This service-connected disability evidences that Mr. Duren's condition is *because* of his military service. "Service-connected means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, or air service."⁶⁴ At core, and is set forth in Dr. Pitman's report, were it not for his service to our country in Iraq and the aftermath thereof, Mr. Duren would not have suffered the mental disabilities that contributed to the offenses at bar.

1. At the time he killed the mother of his daughters, Ms. Caitlyn Naffziger, on February 29, 2008, Mr. Duren was seriously mentally ill. While serving his country, he had sustained posttraumatic stress disorder (PTSD) from witnessing the suicide of a U.S. Marine comrade in Iraq in 2008. Duren saw his blood and brains all up the wall. This memory has never left him.⁶⁵

V. IMPACT OF TRAINING

Dr. Pitman opines on page 12-13 of his report that once Mr. Duren made the instantaneous decision to fire the weapon, the actual obtaining of the weapon and firing was based upon muscle memory as opposed to further deliberation. That conclusion, in my opinion, is consistent with Mr. Duren's military training.

VI. CONCLUSION/RECOMMENDATION

Porter v. McCollum is patent here. As an initial matter, putting aside the effect of military service upon Mr. Duren's mental health at the time of the incident at bar and focusing solely on his service to the nation, it is not hyperbole to state that Mr. Duren's contributions to

⁶⁴ 38 CFR § 3.1.

⁶⁵ Pitman Report at 11.

the Marine Corps were extraordinary. When most of his contemporaries eschewed the call to service and the Marines were fully engaged in two separate conflicts, Mr. Duren voluntarily enlisted in the Marine Corps and completed a tour in Iraq. He earned a Good Conduct Medal, an honorable discharge, and the highest possible re-enlistment code. By any metric, he served his country well.

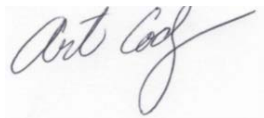
With respect to mental health injuries, Mr. Duren sacrificed greatly and continues to suffer for his service. The VA, the singular entity that is charged with evaluating the extent of his mental injury, has assessed his injury at 70%. It has been found that his service-connected injury renders him with significant occupational and social impairment. There is no doubt that was his condition at the time of the incident.

The charges against Mr. Duren are most serious, and the Court is left with the difficult task of determining a proper response to them – a disposition that not only does justice for the People of New Hampshire but also considers the events of Mr. Duren’s past.

Given the factors set forth above, in particular Mr. Duren’s service to our country and the effects thereof upon him, this is a case that calls for leniency.

November 28, 2025

Respectfully Yours,

A handwritten signature in cursive script, appearing to read "Art Cody", written in black ink on a light-colored background.

Art C. Cody, Esq.
Captain USN (Ret).
Director
Center for Veteran Criminal Advocacy

EXPERIENCE:

*April 2011-
May 2012*

**STAFF DIRECTOR, INTERAGENCY RULE OF LAW
U.S. EMBASSY, KABUL, AFGHANISTAN**

Reported directly to the Senior Director of the Interagency Rule of Law Section (IROL) and served as acting Senior Director in his absence. Direct Supervisor for the daily and strategic employment of this Embassy Section consisting of thirty-seven Rule of Law professionals (DOD, DOS, USAID, DOJ, Afghan nationals) in the development and implementation planning of US Rule of Law efforts in Afghanistan. In addition to the strategic and daily management of the section:

- Personally, served as the US Embassy representative, and US lead, to the Afghan Government regarding the District Rule of Law (ROL) Access to Justice Program, the spearhead initiative of the US's ROL effort. Advised the Afghan National Security Council and US Ambassadors on policy matters. Conducted site visits to numerous District Governance Centers. Program achieved unprecedented success in placing courts in previously underserved remote districts.
- Habitually represented the IROL to US organizations and the international community (e.g., Coalition embassies and NGO's).
- Routinely briefed Rule of Law programs to Congressional delegations.

*February 2010-
March 2011*

ASSISTANT CHIEF STAFF OFFICER (OPERATIONS) JFCOM 206 (CAPT)

Led largest directorate in a high visibility unit supporting Joint Forces Command. Identified training short falls and implemented comprehensive training plan to improve/sustain Crisis Action Team. Active Duty Periods: NATO Orientation Course Facilitator (National Defense University, Washington, D.C.); Crisis Action Chief, VIGILANT SHIELD '10 (Norfolk, VA); ULCHI FREEDOM GUARDIAN '10 (US Joint Task Force Liaison Officer to the Republic of Korea Navy, Busan, Korea).

*October 2005-
January 2010*

CHIEF STAFF OFFICER/OPERATIONS OFFICER, OSE C2F (CAPT)

Engineered the stand-up of COMMANDER SECOND FLEET's (C2F) Operational Support Element (OSE) headquarters unit. Solely responsible for the selection, training, and deployment of a 17-member (O-6 level) Liaison Officer (LNO) cadre to international locations during C2F's Joint Task Force certification exercise. Active Duty Periods: PANAMAX '07 (JTF LNO to United Nations' Special Representative of the Secretary General (SRSG), Panama City, Panama); PANAMAX '08 (Mentor to Dominican Republic Military Joint Operations Center, Santo Domingo, Dominican Republic); AUSTERE CHALLENGE '09 (Air Tasking Order Cell Lead, Grafenwoehr, Germany); BRIGHT STAR '10 (Maritime Operations Center Deputy Director on board Egyptian Naval Ship *Rashid* (Mediterranean Sea vic. Alexandria, Egypt,)); BRIGHT STAR '10 (Maritime Operations Center Director, Cairo West Air Base); UNIFIED RESPONSE (Operational Planning Team Chief, Haiti Earthquake, January '10 (Norfolk, VA)).

*October 2004-
September 2005*

COMMANDING OFFICER, VTU 0207G, NRC Bronx (CAPT)

Immediately instituted procedures and policies dramatically increasing contributory support to Reserve Center tenet units. Facilitated support opportunities resulting in 25 days of in-theater Tsunami Relief (UNIFIED ASSISTANCE). Active Duty Periods: JOINT TASK FORCE EXERCISE 05-02 (Liaison Officer onboard U.S.S IWO JIMA (LHD-7) for shore-based UK Royal Navy headquarters.)

*October 2002 -
September 2004*

CHIEF STAFF OFFICER, BATTLE GROUP STAFF 12(CDR/CAPT)

Installed unit training to support Commander Cruiser Destroyer Group 12 (CCDG12) during FY-03 training and FY04 Arabian Gulf deployment, resulting in 850+ man days of support, ensuring "dock to dock" support to U.S.S. ENTERPRISE (CVN-65). Active Duty Periods: Multi-National Maritime Exercise '03, onboard U.S.S. ENTERPRISE (CVN-65), (vic. Norfolk, VA); SOUTHERN WATCH Tactical Flag Control Center Watchstanding (Arabian Gulf, onboard U.S.S. ENTERPRISE).

*October 2000 –
September 2002*

EXECUTIVE OFFICER / BATTLE GROUP STAFF 12 (CDR)

Harnessed ENDURING FREEDOM relationships to serve as Unit POC to supported command, often as sole representative at Warfare Commander's Conferences. Active Duty Periods: ENDURING FREEDOM (Post 9-11, 2001) Augmented CCDG 12 staff as Personnel Officer for 55 days onboard U.S.S. ENTERPRISE for planning/execution of initial strikes into Afghanistan.

*October 1998 –
September 2000*

ADMIN OFFICER/EXEC OFFICER, BATTLE GROUP STAFF 12 (CDR)

Unit received Leo Bilger Award for "side by side" support of CCDG12 during International Naval Review 2000 in New York City that included ships from 23 navies and presided over by POTUS. Prepared planning/execution briefings for Flag Officers. Active Duty Periods: SOUTHERN WATCH (Air Watch Officer in Arabian Gulf onboard U.S.S. ENTERPRISE (1999); Int'l Naval Review 2000 (Watch Captain).

*May 1992 -
September 1998*

NON-PAY TRAINING UNITS (LCDR)

I served in Voluntary Training Units in Los Angeles, CA; South Bend, IN; and Kearny, NJ during this period as I went through law school preparation/attendance/first law job.

*September 1988
- April 1992*

NAVY HELICOPTER PILOT

HELICOPTER COMBAT SPECIAL SUPPORT SQUADRON FIVE (HCS-5)

NAVAL AIR STATION PT. MUGU, CA (LT/LCDR)

HH-60H Special Operations/Strike Rescue Pilot. Held junior officer positions of increasing responsibility culminating in leading largest division in squadron.

Active Duty Army Assignments

1984 – 1987

ARMY HELICOPTER PILOT/ OPERATIONS OFFICER, GERMANY (1LT-CPT)

Responsible for providing aviation support for an Army division in Europe. Coordinated daily operations of 140 aircraft/crews. Due to language ability, served as single interface between a U.S. Brigade and local German government.

1982 – 1984

OFFICER BASIC/FLIGHT SCHOOL (2LT)

1978– 1982

CADET, UNITED STATES MILITARY ACADEMY, WEST POINT, NY

Recognition

- Navy Bronze Star Medal for service in Afghanistan (2011-2012);
- Department of State Meritorious Honor Award for service in Afghanistan

ATTACHMENT B

ROGER K. PITMAN, M.D.
Professor of Psychiatry

Visiting Scientist
Massachusetts Institute of Technology



PTSD Research Laboratory
Massachusetts General Hospital
Building 149 - 13th Street
Charlestown, MA 02129
617-726-5333
pitman@psych.mgh.harvard.edu

Forensic Psychiatric Evaluation

Name: Dustin Duren
Date of Birth: March 4, 1987
Date of Homicide: February 29, 2024
Date of Report: November 1, 2024

Purpose of Evaluation. At the request of his criminal defense attorneys at New Hampshire Public Defender, on August 9, 2024, I interviewed Mr. Duren in person in the library of the Coos County jail in northern NH for approximately three hours. Subsequently, on August 22, I interviewed him by Zoom for approximately two hours, and again on August 29 by Zoom for approximately two and one half hours, and again on October 24 for approximately three hours. Total interview time was approximately thirteen hours. No third parties were present for any of the interviews.

Prior to conducting the evaluation, I explained its purpose to Mr. Duren, clarified that the evaluation did not constitute a doctor-patient relationship, and informed him that the information I obtained would not be protected by the confidentiality such a relationship would usually afford. He agreed to proceed with the evaluation on these terms.

History of Alleged Offense. On Wednesday, February 28, 2024, Dustin Duren had dinner at Harley Jacks Burgers & Brews Restaurant in Ossipee, NH with his ex-girlfriend, Caitlyn Naffziger, and their two daughters, Elowyn 4 and Vaelyn 1. Mr. Duren and Ms. Naffziger had broken up in July 2023. In January 2024 he and Elowyn moved from Twin City, MN to Berlin, NH. Ms. Naffziger and Vaelyn had remained in Andover, MN.

The couple argued about custody of the children. In hopes of keeping their family together, Dustin asked Caitlyn whether she would relocate to New Hampshire as they had planned to do prior to their breakup. She agreed. Dustin did not necessarily think they would get back together as a romantic couple, but he hoped they could maintain their nuclear family. He especially feared losing Elowyn, on whom he had become dependent to stave off

depression (see below). Together, they decided Caitlyn would have Vaelyn go to Berlin with her father and Elowyn. Then Kaitlyn would return to Minnesota until late Spring to gather her belongings and earn as much money as she could before permanently relocating in NH.

Although the reunion at the restaurant went OK, Mr. Duren was surprised when Ms. Naffziger asked to spend the night at his home, rather than stay with her Aunt Brenda's home in Hampton, NH, where she and Vaelyn had spent the previous night. The next morning, Dustin made breakfast, and all four visited the Berlin library for a children's reading and arts & crafts event. Afterward, Dustin asked Caitlyn when Brenda was coming to pick her up, but Caitlyn was evasive. He kept asking every couple hours, but she continued not to provide a clear answer. As evening approached, Dustin became increasingly concerned about the possibility he would have to make the six-hour round trip to Hampton to drop Caitlyn off and return in the middle of the night with the children.

Finally, Ms. Naffziger told Mr. Duren she wasn't going to leave, at least not without the children. They started to argue in the living room. He insisted she go back to Brenda's alone according to the plan she'd agree to, but she refused. He then told her he was going to take her back right then. Dustin went in another room to strap Vaelyn into her car seat. When he returned to the living room, Caitlyn was sitting on the sofa with Elowyn in her lap. Dustin tried to take Elowyn, but Caitlyn held her in a bearhug and would not let go. She pulled Elowyn away from him, and Elowyn let out a scream.

Upon hearing Elowyn's scream, something inside Mr. Duren "snapped." Immediately prior to, and during, what happened next, he felt as though he were watching events from the side of the living room, "like a stationary camera on the wall." Even though in retrospect Mr. Duren thinks he was being irrational, at the moment he felt like Elowyn was being held hostage and was in danger of being harmed. He felt he had to do anything he could to "save Elowyn." It seemed like his brain shut off, but his body kept moving. Automatically and without hesitation, as though he were back in a military training exercise and operating solely on "muscle memory," Dustin took two steps over to his desk, where his Baretta 9mm pistol was resting. Almost nonchalantly, Caitlyn asked, "What are you doing?" Without speaking, Dustin pulled Elowyn by the shirt away from her mother, put the pistol to the side of Caitlyn's head, and pulled the trigger. "It all took about three seconds."

Mr. Duren pulled Elowyn into his body and ran out to the car. Elowyn was upset. She kept repeating, "Loud, loud." He sat inside the car and held her on his lap. He checked her body to make sure she wasn't injured. They both cried. He then left her in the car and went to get Vaelyn.

For Mr. Duren, hearing Elowyn scream that night evoked the memory of an incident several months earlier at his parents' house in Minnesota. His parents' dog, Rocky, bumped into Elowyn while begging for food, causing her to yell out. Instinctively and without thinking, Dustin grabbed Rocky by the neck and threw him across the room. Afterward, he felt confused, embarrassed, and regretful.

Mr. Duren sat the car until his head cleared. Then he called his parents and told them what he had done. He said he was "going dark" and turning off his phone so that he could spend time with his daughters before turning himself in. He drove to New York, where they slept in his car, and they returned to New Hampshire the following day. He was apprehended by police at an Applebee's restaurant in Keene.

Psychiatric History. Mr. Duren enlisted in the U.S. Marine Corps (USMC) in 2005 as an expeditionary airfield systems technician. He was activated in 2007 and deployed in April 2008 to Al Asad airbase in Iraq. There were about 18 men in his unit. One day in 2008, Dustin was resting in his quadcon (living space) when he heard a gunshot ring out nearby. He and several other Marines ran to investigate. They banged on the door of Corporal Christian Cotner. There Mr. Duren discovered Cotner slumped over his bed. His blood and brains were splattered on the wall, and his rifle lay on the ground by his feet. It was immediately apparent that he had shot himself in the head. Even though he was dead, his body was still trying to breathe, causing blood to gurgle out of his mouth. It was the first dead body Dustin had ever seen. He stood there terrified, not knowing what to do.

Later, one of the sergeants in Dustin's unit expressed anger at Cotner's suicide and discouraged his fellow Marines from attending the funeral service, claiming that Cotner was a weakling who didn't fulfill his duty. Dustin didn't understand the sergeant's anger. He felt confused and sad instead. Although he hadn't been that close with Cotner, he wondered why he hadn't seen his suicide coming. He felt guilty about not having known the extent of Cotner's pain, and not having done anything to prevent it.

Mr. Duren completed his military service honorably in 2011, having earned a good conduct medal and a pistol expert badge, among several other decorations.

Following his discharge from the USMC, Dustin moved to Los Angeles to pursue an education and career in the music industry. However, in the years that followed, his psychological health deteriorated, and he developed a number of psychological symptoms. He had unwanted memories of seeing CPL Cotner's dead body lying in his bed, and he daydreamed about having conversations with him. He had nightmares in which another person was shooting at Cotner, and Dustin screamed out to try to stop it from happening. Sometimes after these dreams, he thought he was awake in bed with Cotner lying next to him. He was emotionally upset by reminders of the suicide, including hearing about the deaths of other veterans, or seeing news clips about soldiers killing themselves on the internet. When so reminded, he felt agitated, his heart raced, he shook, and his muscles tensed up.

Dustin played video games to distract himself from thinking about CPL Cotner's suicide. He stopped attending a veterans' organization he was involved with after one of its members also committed suicide. Several other friends and acquaintances who had also served in the Armed Forces, some within his unit at Al Asad, died by suicide or overdose in the ensuing years. He felt like death was all around him. He began to wonder whether somehow he was the cause of it. He felt like he couldn't help people and must be making excuses, or not paying attention to others' suffering. He was consumed with guilt. He lost interest in working out and taking care of himself. He became a hermit. He regularly talked to his mother about his inability to be happy and wondered whether he was destined to feel this way forever. Whenever something good happened, he told himself not to get too excited because something bad would follow.

From his discharge from the Marines in 2011 until 2018, Mr. Duren became more reckless with his safety. He drank up to a bottle of bourbon a day, and tried other drugs, which he hadn't done prior to the service. When he was home and heard people driving by or stopping outside, he got his gun and peeked out the window to make sure there wasn't any danger. He startled more easily. He only slept about four hours most nights, compared to the eight he had gotten before CPL Cotner's suicide.

In addition to the above symptoms, Mr. Duren came to feel down

most of the day, nearly every day. His appetite was poor, and he lost weight. He felt fidgety and restless. His energy level was low. He needed to make written notes to force himself to complete simple tasks. He felt worthless and experienced intense survivor guilt. He struggled to make decisions about trivial things. He contemplated killing himself.

Nevertheless, in the years that followed Cotner's suicide, Mr. Duren attempted to overcome his sense of hopelessness and emptiness by investing himself in meaningful activities. He earned his associate's degree in audio engineering, and several other performance certificates as well. He played music both recreationally and professionally. He worked several jobs in the entertainment industry and volunteered at the Hollywood American Legion and at a Las Vegas-based nonprofit organization called Merging Vets and Players. He entered a long-term romantic relationship with a woman named Tracy. However, whenever things started going well, he would quit, withdraw, and fall into a slump. Each time he went through one of these cycles, he felt more useless, and his life seemed more meaningless. Eventually, Tracy broke up with him because he was so depressed.

By 2018, Mr. Duren was alone, unemployed, and living out of his car. He decided to move to Las Vegas. On the way there, he stayed at a motel. His car was broken into. Everything inside it was stolen, including his passport and dog tags from Iraq. It felt like a sign that he was supposed to die. He started driving down the road at 100 mph. He was crying and swerving, trying to get into an accident. A police officer pulled him over and arranged for him to be admitted to a psychiatric unit.

After his psychiatric hospitalization, Mr. Duren spent six months living and working in Las Vegas before deciding to move back to Minnesota to be closer to his nuclear family. There he met Caitlyn Naffziger in early 2019. Their daughter Elowyn was born in December 2019. Dustin moved back to Las Vegas with Caitlyn and Elowyn in 2020. Although he at first was happy about these developments, he continued to cycle in and out of depression, and during the COVID-19 pandemic, he became suicidal again. When he was alone, he sometimes put a loaded pistol to his head or waved it in front of his face.

On Christmas Day 2020, Mr. Duren felt like an abject failure. He had little money and could only afford a small tree and two presents for Elowyn. He felt unable to take care of his daughter and believed his life was pointless. However, after seeing Elowyn's joy on Christmas morning, something inside him shifted.

He determined that being a father was his life's mission. He became less depressed and suicidal. For the first time since CPL Cotner's suicide, he even felt a bit happy.

Although during 2021 and 2022, Dustin was generally doing better, he did continue to have mental health symptoms. For example, he, Caitlyn, and Elwyn went vacationing at Lake Havasu with his parents. The first night there, he had nightmare and woke up in a panic. He told Caitlyn he had to go home. They packed up and left that evening.

A second daughter named Vaelyn was born in January 2023. Although Dustin enjoyed living in Las Vegas, Kaitlyn didn't like the desert. She suggested they move to New Hampshire because she liked the four seasons, and her Aunt Brenda lived there. Although he himself loved the desert, Dustin agreed. He arranged for them to move in July 2023. However, a week before their intended departure, Caitlyn precipitously returned to Minnesota and took Vaelyn with her. Dustin felt blindsided and betrayed. Still, he reluctantly followed her. They lived in Minnesota and co-parented, with him taking care of the children about twice as often as she. In October 2023, the couple resumed their plan to move to New Hampshire and co-parent there. He and Elwyn moved to Berlin, NH in January 2024, a month before the homicide.

During his early incarceration at Coos County jail, Mr. Duren made a couple futile suicide attempts. He tried to hang himself with his pants. At the time of our first interview, he had just recently been taken off suicide watch. Presently Dustin receives regular counseling from a Baptist pastor and also meets weekly with a mental health clinician. Both are provided by the jail. He finds his sessions with each of them a little helpful.

Past Psychiatric History. Mr. Duren met with a civilian psychologist in Minnesota from November 2018 until March 2019. In 2021, he got connected with the Order of the Purple Heart, who arranged for him to meet with another civilian psychologist, who diagnosed him with posttraumatic stress disorder (PTSD). Dustin submitted documentation to the Department of Veterans Affairs (VA). He underwent a compensation and pension examination in February 2022 and was assigned a 70% disability rating for this mental condition.

Family Psychiatric History. Mr. Duren is unaware of a history of mental illness, including depression, or of suicide attempt, violence, or criminal behavior, in any of his blood relatives.

Medical History. According to his report, in addition to PTSD, Mr. Duren receives small VA disability payments for tinnitus (ringing in the ears), a foot injury, and an ocular problem. Otherwise, he denied a history of serious medical or surgical problems.

Personal History. Dustin Duren grew up in Bloomington, MN. He and his family moved to Anoka, MN when he was 10 years old. He did well academically and graduated from high school with a 3.5 GPA. He was also a self-taught musician and played several instruments, including drums, cello, guitar, and upright and electric bass.

From a young age, Dustin was interested in joining the Marine Corps. His father was a Marine. He enlisted in the delayed entry program when he was 17 and left for boot camp in June 2005, a week after high school graduation. He completed Marine combat training at Base Camp Pendleton, CA, followed by what he called aircraft recovery specialist training in Pensacola, FL. He then entered the Reserve Officers' Training Corps (ROTC) program and matriculated at the University of St. Thomas in Saint Paul, MN. However, he didn't enjoy college. He re-enlisted in the Marines in 2007 so he could go on active duty. In addition to Al Asad Airbase in Iraq, he served in Okinawa for four years, and for a month in Pohang, South Korea with the Fleet Marine Force.

Sgt. Duren excelled at marksmanship to such a high degree that he was assigned to coach other Marines in firing both rifles and pistols. He estimated that he himself fired loaded pistols at mock-up human targets thousands of times. As a result of his own training, and his training of others, firing a pistol became deeply engraved, second nature to him.

After completing his USMC service in 2011, Mr. Duren moved to Glendale, CA and attended Musicians Institute: College of Contemporary Music. He studied guitar performance and audio engineering. He received an Associate degree in Science and Audio Engineering and earned a certificate in Music Business and Entrepreneurship. He played music both recreationally and professionally around Los Angeles and Las Vegas and was involved with a peer-led veterans group called Merging Vets and Players.

Occupational History. Following his military service, Mr. Duren hoped to become a professional musician. He played gigs around Los Angeles, including at the House of Blues. He eventually decided to shift his focus to engineering and production. He worked as a post-production audio engineer at Fox Sports and as

an event technician at the Hollywood American Legion Post 43. He enjoyed both jobs but quit each due his difficulty managing his depression and PTSD. He also worked as an event technician in Las Vegas for six months and later as a mail carrier. He then worked as a freelance video editor for television productions, including American Horror Show, while also receiving disability benefits from the VA.

Legal History. Mr. Duren reported that he had no criminal or civil, legal history prior to the homicide of February 29, 2024.

Mental Status Examination. Mr. Duren presented as a bearded, moderately overweight male who appeared his stated age of 37. His demeanor was polite. He cooperated fully with the interviews. He was verbose with mildly pressured speech. His affect was substantially anxious and intermittently despondent. He expressed remorse for what he had done, but he did not cry or tear up. He was observed to laugh once for a few seconds during the thirteen hours of interviewing. He did not become visibly angry. His thought processes centered on the awful thing he had done, and despite it, how he could possibly resume a relationship with his daughters. His intellectual processes, including his memory, were intact. He appeared to be of above average intelligence.

Structured Interview Instruments

The Structured Clinical Interview for DSM-5 (SCID-5) is a validated instrument that addresses most of the major Axis I disorders in this Manual. Two time periods were addressed: *Past*, i.e., when the emotional symptoms described above were at their worst following CPL Cotner's suicide in 2008; and *Pre-homicide*, i.e. during the month preceding the homicide of February 29, 2024.

On the SCID's PTSD module, during the *Past* period. Mr. Duren met 4 out of 5 "B" (intrusion) criteria, with 1 criterion required for the PTSD diagnosis; 2 out of 2 "C" (avoidance) criteria, with 1 required; 5 out of 7 "D" (negative cognitions and mood) criteria, with 2 required; and 4 out of 6 "E" (hyperarousal) criteria, with 2 required, thereby qualifying for a PTSD diagnosis. Results for the *Pre-homicide* period were the same.

On the SCID's Major Depressive Disorder (MDD) module, during the *Past* period, Mr. Duren met 7 out of 9 criteria for Major Depressive Disorder (MDD), with 5 criteria required for

the diagnosis, thereby indicative of past, moderately severe MDD. During the month prior to the homicide, he did not meet any MDD criteria, thereby indicative of MDD, in full remission.

The Hare Psychopathy Checklist-Revised is a validated, 20-item, clinician-scored instrument used to predict risk for criminal offense and probability of rehabilitation. Mr. Duren's score of 10 was far below the suggested cut-off of 30, suggesting the absence of an antisocial personality disorder, high rehabilitation potential, and low risk of criminal re-offending upon release from confinement.

Review of Records. I personally reviewed well more than 1000 pages of records in this case. Obviously it was impossible to read each page in detail. Instead, I selected what I thought to be the most relevant content. Below I present a synopsis I created thereof.

VA Southern Nevada Health Care System, Joseph D. White, Ph.D., Clinical Psychologist, 2/18/22: Mr. Duren currently meets diagnostic criteria for posttraumatic stress disorder with secondary major depressive disorder ... described a stressor meeting the DSM-5 stressor criterion, that is finding the body of a friend who had just shot himself to death ... endorsed sufficient PTSD symptoms related to the stressor ... presented in a credible manner ... denied any suicidal/homicidal thoughts ...

SGT Sean Smartz, Probable Cause Statement (undated): Duren told Mark and Debra [Dustin's parents] that after arriving in New Hampshire on February 28, 2024, Naffziger refused to leave, and their interactions at the apartment escalated. Duren then stated, "I killed her" ... Duren told investigators that on the evening of February 29, Naffziger was sitting on the couch in the living room, holding E.D. on her lap, and refused to give E.D. to him while they argued about custody ... Duren stated that once he made the decision to shoot Naffziger that there was nothing that was going to stop him.

Interview conducted by Sergeant Michael McLaughlin and Detective Edward Horton, 3/1/24: DUREN said that NAFFZIGER agreed in a text message to bring Vaelyn to NH when he agreed to allow her to claim both children on her taxes ... plan was to meet up [halfway between Berlin and Hampton] ... DUREN said that NAFFZIGER asked Elowyn [rather than him] about staying at their house ... DUREN said that he felt like her staying the night was a bad idea ... DUREN indicated that the next day [Thursday] NAFFZIGER would not tell him / refused to answer questions about

what her plan was or if Brenda was coming to pick her up ... DUREN said that he was very calm the entire time and that he asked NAFFZIGER approximately every 15 minutes about her plan ... eventually, NAFFZIGER said that she was not going to leave ... DUREN said that he told her that she was not wanted there ... DUREN indicated that her refusing to leave went on the entire day and escalated into NAFFZIGER saying that she was going to call the police, have him arrested, and that she would take the kids ... DUREN said that the one thing that sets him off is the continued threats of taking the kids away from him ... DUREN advised that it was getting to the point where there was a good half hour when NAFFZIGER grabbed Elwyn and would not let her go ... it just got to a breaking point when NAFFZIGER refused to leave and would not let go of Elwyn he even tried to take Elwyn from NAFFZIGER a couple times, but that she would not let go of her ... NAFFZIGER not letting Elwyn go was the tick / or the moment ... it was very deliberate and fast ... the line had been crossed, and that his mind snapped ... After attempting to grab Elwyn, he very quickly and deliberately, grabbed his gun from the desk, chambered a round, grabbed Elwyn, pulled her Elwyn back and shot [NAFFZIGER] ... DUREN said that it was very immediate ... what is big in his head was Elwyn yelling ... DUREN mentioned that it was like training ... DUREN advised that at that point he realized / understood what had happened, the consequences ... he did push her out of his parent's home one time ... DUREN when asked said that Elwyn was crying while NAFFZIGER would not let her go. DUREN felt that Elwyn's crying could have been a combination of he and NAFFZIGER fighting, but also as a result of NAFFZIGER not letting her go ... it was not his intent for NAFFZIGER to come to NH for him to kill her. DUREN felt that there was nothing that he could have done in his mind ... it was instant. Like everything happened probably in a couple seconds ... [SGT. McLAUGHLIN: that was my first thought, you were trying to, um, remove Elowen (sic) from, from harmful situation.] ... DUREN: Yes [SGT. McLAUGHLIN: So do you have training in like hostage-type scenarios?] ... DUREN: we would've done that in the coaches course as well ... it was, it's like your [Dustin referring to himself] training coming out ... It was, it was muscle memory ... she very clearly had no intention of, for Brenda to pick her back up from the restaurant. She very clearly had intended to come back to my place without telling me ... do I regret shooting her? ... I don't know if I want to (address that) ... that's like a trap question ... Without a doubt, never any intention to ever do anything like that (i.e. kill Caitlyn). Absolutely not ... [Q] Could you have done anything in that moment when you were reaching for that gun, and from the moment you grabbed the gun to the moment you pulled the trigger, could you, in your mind,

have done anything differently to prevent ... whacking [racking?] the round and pulling the trigger? Or is it just set in motion and done? [A] No ... from the moment that it was like: Nope. Even like, even before I grabbed it, it was like (finger snap) ... Nope. And then ... again, it was like it was almost, like ... again, is what I'm saying, it was, it's like your training coming out ... It was muscle memory.

Interview of Elowyn Duren (age 4), 3/8/24: ... Um, my dad was grabbing me from my mom's arm, and when I'm holding my mom's shirt ... He said bad words to my mom ... that I can't come with my mom ... my mom talk about staying, coming there (indiscernible) ... I felt (my ear) hurting [after the shooting] and it stopped, and, I went right to my dad ...

Report of Coos County jail's Sgt Cross upon discovering letter Duren wrote to his daughters, 5/29/24: "I pulled the trigger. I have enough overwhelming guilt that I don't care what 'they' decide it's called" ... placed on suicide watch ... possibility of Inmate Duren starting meds to help with his mental health ... immediately started sobbing and seemed to be hyperventilating ... could be seen on his hands and knees forcing himself into the corner of the cell ...

Diagnostic Impressions (DSM-5-TR)

309.81. Posttraumatic Stress Disorder (PTSD), chronic, moderately severe, caused by witnessing shooting suicide by a fellow U.S. Marine in 2008 in Iraq

296.32. Major Depressive Disorder (MDD), recurrent, active 2008-2020, in remission 2020-2024, again active since homicide of February 29, 2024.

Opinion

1. At the time he killed the mother of his daughters, Ms. Caitlyn Naffziger, on February 29, 2024, Mr. Duren was seriously mentally ill. While serving his country, he had sustained posttraumatic stress disorder (PTSD) from witnessing the suicide of a U.S. Marine comrade in Iraq in 2008. Duren saw his blood and brains all up the wall. This memory has never left him. He is rated 70% disabled due to PTSD by the Department of Veterans Affairs (VA).

2. PTSD typically is not a psychotic disorder, but it can devastate a patient's functioning in a number of ways. Even

when PTSD is not exculpatory, it can serve as a mitigating factor in a criminal matter. Per DSM-5-R, "Individuals with PTSD may exhibit irritable or angry behavior and may engage in aggressive verbal or physical behavior with little or no provocation. They may also engage voluntarily in reckless or self-destructive behavior that is dangerous, that shows a disregard for the physical safety of themselves or others, and that could directly result in serious harm or death," as in the present case. "PTSD is often characterized by a heightened vigilance for potential threats ..." including "those that are not related to the traumatic event." These propensities were directly applicable to Mr. Duren at the time of the homicide. They justify the conclusion that his homicidal act was the product of mental disorder.

3. Military (especially Marine) training lowers the threshold to kill. As a marksmanship coach, Duren estimated that he fired a loaded pistol thousands of times at mock-up human targets, further lowering his own threshold. As a result, firing a pistol became deeply engraved, second nature to him.

4. At the time of the homicide, Mr. Duren was also in remission from a chronic Major Depressive Disorder (MDD) he had suffered from 2008 to 2020. The key to his remission appears to have been finding purpose in his life through rearing his children. He was especially attached to his 4 year-old daughter Elowyn, whom he described as his "savior." He was highly dependent on her for his mental health. The threat of losing Elowyn posed a grave danger for his relapse back into depression.

5. When Mr. Duren and Ms. Naffziger met at a restaurant with the children in Ossipee, NH on the day preceding the homicide, Mr. Duren was under the impression that the plan was for Ms. Naffziger to return to Hampton with her Aunt Brenda, and for him to return home to Berlin with the girls. He was surprised that Ms. Naffziger insisted on going back to Berlin with them.

6. On the evening of the homicide, Mr. Duren told Ms. Naffziger he was going to drive her down to Aunt Brenda's promptly. When he said that, Naffziger grabbed Elowyn, held her in a tight bearhug, and would not let her go. Mr. Duren later told Sgt. McLaughlin "That messed with my head, her

holding Elowyn." To Mr. Duren, this constituted an extreme provocation: a threat that he could lose the thing that meant most to him in his life. As noted above, as part of his PTSD, Mr. Duren was unusually sensitive to potential threats.

7. Mr. Duren reported that he tried to take Elowyn, but Ms. Naffziger pulled her back. Elowyn was crying. She let out a scream. At that point, according to Mr. Duren, something inside him "snapped. My brain shut off, but my body knew exactly what it was doing." Immediately, without any hesitation, he took two steps over toward his gun on the desk, grabbed it, and cocked it. Caitlyn asked nonchalantly, "What are you doing?" Dustin pulled Elowyn by the shirt away from Caitlyn and shot Cailyn in the head. "It all took about three seconds."

8. Even though in retrospect Mr. Duren understands he was acting irrationally, at the moment he shot Ms. Naffziger, he felt like Elowyn was being held hostage and was in danger of being harmed. He felt he had to do anything he could to "save Elowyn." He did what he had been trained to do in the Marines.

9. Immediately prior to, during, and briefly following the shooting, Mr. Duren felt as though he were watching what was happening "like a stationary camera on the wall." In psychiatry, this is known as mental "dissociation."

10. To explain dissociation, we can start with Mr. Duren's statement, "My brain shut off, but my body knew exactly what it was doing." Except for trivial functions such as digestion or heartbeat, in actuality the body does not "know" anything. It is the brain that does the "knowing." However, at times of exceptionally intense stress, the higher, contemplative areas of the brain tend to deactivate, while the lower, instinctual areas tend to activate. The brain is not a unitary organ, and it is capable of "thinking" different things at the same time. Hence, Mr. Duren appears to be saying that, once he formed an intent to save Elowyn, the rest of his actions were automatic, and probably unable to be stopped. In contrast, the contemplative part of his brain was merely observing.

11. In apparent contradiction to the above, the day following the homicide, Duren told Sgt. McLaughlin that the shooting "was very deliberate and fast ... After attempting

to grab Elowyn, he very quickly and deliberately grabbed his gun ..." This statement might be taken to mean that Mr. Duren mentally deliberated prior to deciding to shoot Ms. Naffziger. However, in my opinion, this would misconstrue what he meant by "deliberate." For him to have deliberated in the former sense would have required him to take time to weigh the pros and cons, including the consequences, of his actions. If he had done this, it is unlikely he would have committed the homicide, given the obvious cost. Rather, Mr. Duren told Sgt. McLaughlin that his mind "snapped," and he acted "fast" and "quickly" to shoot Ms. Naffziger. This is inconsistent with his having deliberated. In my opinion, Mr. Duren's use of the word "deliberately" referred not to his thinking, but to his actions, which were deliberate in the sense of having been meticulous, due to his training in the use of a pistol in the Marine Corps. In short, the shooting was carefully executed, but not carefully thought out. Immediately following the shooting, Mr. Duren was surprised at what he had done.

12. During the police interview the following day, Sgt. McLaughlin told Mr. Duren that Sgt. McLaughlin's first thought was "... you were trying to, um, remove Elowyn (sic) from, from a harmful situation." Duren responded, "Yes ... we would have done that in the (Marine) coach's course as well." Hence, Sgt. McLaughlin's intuition after speaking with Mr. Duren, Mr. Duren's affirmative response, and what Mr. Duren told me six months later all converge on what I believe is the closest we can come to knowing Mr. Duren's motive in shooting Ms. Naffziger, which was to protect his daughter.

13. Support for the above opinion is provided by an incident that had occurred in December 2023 at his parents' home. Mr. Duren was in the kitchen with his mother and two daughters. His parents' dog kept bumping into Elowyn. Finally she cried and screamed, "Stop it, Rocky." Thereupon something "snapped" in Mr. Duren. Without thinking, he went right over, grabbed the dog by the neck, and hurled it across the room.

14. On the evening of February 29, 2024, Mr. Duren did not consider the consequences of his impulsive homicidal act, which had the opposite consequences from what he had intended, given that it had the effect of separating him, possibly permanently, from the person he loved most: his elder daughter.

15. Mr. Duren's remorse for what he had done was demonstrated by his comments and behavior in his cell in the presence of Sgt. Cross on 5/29/24: "I pulled the trigger. I have enough overwhelming guilt that I don't care what "they" decide it's called" (and) "immediately started sobbing and seemed to be hyperventilating ... could be seen on his hands and knees forcing himself into the corner of the cell ..."

16. Psychometric testing with *The Hare Psychopathy Checklist-Revised* revealed absence of an antisocial personality disorder, high rehabilitation potential, and low risk of criminal re-offending upon release from confinement.

17. In summary, Dustin Duren committed homicide on 2/29/24 in an impulsive, irrational attempt to "save" his daughter. A rational individual will likely think Elwyn was not in serious physical danger. However, at the time, Mr. Duren was not thinking rationally. Rather, he was reacting like a patient with a mental disorder. He had seen death in the military. As a Marine, he had been trained to use a weapon and to kill. These experiences primed him to act irrationally at the time of the homicide.

18. During the execution of his irrational intent to "save Elwyn," Mr. Duren acted recklessly by shooting Ms. Naffziger. He had good reason to know his action would likely result in her death, and his long-lasting separation from his children. However, he was not acting rationally. He acted under the influence of both chronic mental disorder and extreme, acute emotional disturbance induced by the provocation of losing that which he loved most in his life, viz., his elder daughter. The homicide was an act of passion.

Certainty of Opinion. The diagnostic impressions and opinions expressed above are held to a reasonable degree of medical certainty.

Reservation of Right to Update. I reserve the right to revise or update the contents of this report, including the diagnoses and opinions, upon the receipt of additional information that I had not received at the time of its writing.

Caveat. The historical information relied upon in this report is not certified for the veracity of its contents. It is presumed that its truth, if in doubt, will be determined by the finder of fact. Should any contents of this report prove contrary to the facts, it may require modification.

Disclaimer. The opinions expressed herein are those of the undersigned only and not of Massachusetts General Hospital or Harvard Medical School.

Certification. To the best of my knowledge, the above is true and accurate report pertaining to Mr. Dustin Duren.

A handwritten signature in black ink, appearing to read "Roger K. Pitman", followed by a long horizontal flourish.

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Roger K. Pitman, M.D.
 January 1, 2024

Education:

1969 M.D. *cum laude*, University of Vermont College of Medicine
 1965 A.B. *cum laude*, Amherst College

Postdoctoral Training:

1985 Research Fellow in Behavioral Neurology, Beth Israel Medical Center, Harvard Medical School
 1970-1973 Resident in Psychiatry, Boston VA Hospital-Tufts New England Medical Center Collaborative Program
 1969-1970 Intern, Boston University Medical Service, Boston City Hospital

Licensure and Certification:

2020-2030 Certified in the Subspecialty of Brain Injury Medicine, American Board of Psychiatry and Neurology
 1994-2024 Certified in the Subspecialty of Forensic Psychiatry, American Board of Psychiatry and Neurology
 1975- Certified in the Specialty of Psychiatry, American Board of Psychiatry and Neurology
 1970- Massachusetts Medical License
 1970- National Board of Medical Examiners

Academic Appointments:

2015- Professor of Psychiatry, part-time, Harvard Medical School
 2002-2015 Professor of Psychiatry, Harvard Medical School
 2000-2007 Visiting Scientist, Massachusetts Institute of Technology
 1990-2002 Associate Professor of Psychiatry, Harvard Medical School
 1988-1990 Assistant Clinical Professor of Psychiatry, Harvard Medical School
 1986-1987 Lecturer in Psychiatry, Harvard Medical School
 1981-1987 Adjunct Assistant Professor of Clinical Psychiatry, Dartmouth Medical School
 1978-1980 Assistant Professor of Psychiatry, University of Tennessee Center for the Health Sciences
 1976-1978 Instructor in Psychiatry, Boston University School of Medicine

Awards and Honors:

- 2009 International Society for Traumatic Stress Studies Lifetime Achievement Award
- 2008 Exceptional Research Mentorship Award, Dept of Psychiatry, Massachusetts General Hospital, Harvard Medical School
- 2007 Fellow, American College of Neuropsychopharmacology
- 2004 Distinguished Life Fellow, American Psychiatric Association
- 2004 Award for Distinguished Academic Achievement, University of Vermont Medical Alumni Association
- 2003 Distinguished Fellow, American Psychiatric Association
- 2002 Honorary A.M. (Master of Arts) degree, Harvard University
- 1997 Member, Sigma Xi
- 1994 International Society for Traumatic Stress Studies Award for Outstanding Scientific Achievement in the Field of Post-Traumatic Stress Disorder
- 1993 Fellow, American Psychopathological Association
- 1987 Research Career Development Award, VA Medical Research Service
- 1985 Fellow, American Psychiatric Association
- 1969 Member, Alpha Omega Alpha, University of Vermont
- 1965 Associate Member, Sigma Xi
- 1962 Bassett Physics Prize Honorable Mention, Amherst College

Hospital Positions:

- 2003- Psychiatrist, Massachusetts General Hospital, Boston, MA
- 2000-2005 Assistant Director, Clinical Research Center, Massachusetts Institute of Technology
- 1997-2002 Clinical Associate in Psychiatry, Massachusetts General Hospital, Boston, MA
- 1982-2000 Coordinator for Research and Development, VA Medical Center, Manchester NH
- 1980-1986 Chief, Psychiatry Service, VA Medical Center, Manchester, NH
- 1978-1980 Staff Psychiatrist, VA Medical Center, Memphis, TN
- 1975-1978 Staff Psychiatrist, VA Medical Center, Bedford, MA
- 1973-1975 Staff Psychiatrist, Naval Regional Medical Center, Newport, RI; Lt Cmdr, Medical Corps, U.S. Naval Reserve

Other Professional Positions and Visiting Appointments:

- 1992 Co-founder, Laboratory for Traumatic Stress Studies, Institute of Psychology, Russian Academy of Sciences, Moscow, Russia
- 1987 Co-founder, Center for Traumatic Stress Psychophysiology Laboratory, Hadassah University Hospital, Jerusalem, Israel
- 1986- Part-time private practice of forensic psychiatry
- 1985 Visiting physician, Beth Israel Hospital, Boston, MA
- 1968 Smith, Kline, and French Foreign Medical Fellow to Nepal

Committee Memberships:

- 2006-2009 American College of Neuropsychopharmacology Public Information Committee
- 1998-2000 International Society for Traumatic Stress Studies Board of Directors
- 2000 National Institutes of Health Behavioral and Biobehavioral Processes-5 (Mental Disorders) Special Emphasis Panel
- 1996-2000 National Institute of Mental Health Violence and Traumatic Stress Study Section
- 1995-2010 Editorial Board, *Journal of Traumatic Stress*
- 1995 National Institute of Mental Health-National Center for PTSD Joint Conference on Diagnosis and Assessment in PTSD Research
- 1992 VA Career Development Research Clinician Evaluation Committee
- 1988-1993 American Psychiatric Association, DSM-IV Anxiety Disorders Work Group Adviser
- 1988-1991 VA Mental Health and Behavioral Sciences Research Advisory Group
- 1980-1983 Amnesty International Medical Capacity Committee, Working Group Against the Political Abuse of Psychiatry

Professional Societies:

- 2007- American College of Neuropsychopharmacology (Fellow)
- 1997-2006 American College of Neuropsychopharmacology (Member)
- 1996- Society of Biological Psychiatry
- 1991- 2000 Pavlovian Society, St. Petersburg, Russia
- 1987- American Academy of Psychiatry and the Law
- 1986- International Society for Traumatic Stress Studies
- 1985 Member, American Psychopathological Association
- 1983 Société Pierre Janet, Paris (corresponding)
- 1972- American Psychiatric Association

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P-59. Pitman RK. PTSD research activities at the Manchester, N.H. VA Medical Center. *PTSD Research Quarterly* 1991;2:8 (Non-Refereed article).

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P-41. Pitman RK, Jenike MA. Normal and disordered compulsivity: evidence against a continuum. *Journal of Clinical Psychiatry* 1989;50:450-452 (Refereed article).

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P-33. Pitman RK. Behavioral output can be controlled (in a sense). *Continuing the Conversation* (Newsletter of the American Society for Cybernetics) 1987;8:2-3 (Commentary).

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- P-26. Pitman RK, Kolb B, Orr SP, Singh MM. Ethological study of facial behavior in nonparanoid and paranoid schizophrenics. *American Journal of Psychiatry* 1987;144:99-102 (Refereed article).
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- P-20. Pitman RK. Tourette's syndrome and ethology. *American Journal of Psychiatry* 1983;140:652 (Letter).
- P-19. Kolada SJ, Pitman RK. Eye-head synkinesia in schizophrenic adults during a repetitive visual search task. *Biological Psychiatry* 1983;18:675-684 (Refereed article).
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- P-11. Pitman RK. The adaptive role of maladaptive neurosis: an evolutionary misconception. *Biological Psychiatry* 1981;16:207-208 (Letter).
- P-10. Lal H, Singh MM, Becker RE, Nasrallah H, Pitman R. Long-term alleviation of tardive dyskinesia with diazepam. *Journal of the American Osteopathic Association* 1981;80:759 (Abstract).
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- P-8. Pitman RK, Moffett PS. Somatization disorder (Briquet's syndrome) in a male veteran. *Journal of Nervous and Mental Diseases* 1981;169:462-466 (Refereed article).

P-7. Pitman RK. Austro-German ethology and schizophrenia. *Behavioral and Brain Sciences* 1980;3:627-628 (Commentary).

P-6. Pitman RK. The conditioning model of neurosis: promise and limitations. *Behavioral and Brain Sciences* 1980;6:462-463 (Commentary).

P-5. Singh MM, Nasrallah HA, Lal H, Pitman RK, Becker RE, Kucharski T, Karkalas J, Fox R. Treatment of tardive dyskinesia with diazepam: indirect evidence for the involvement of limbic, possibly GABA-ergic mechanisms. *Brain Research Bulletin* 1980;5S2:673-680 (Refereed article).

P-4. Pitman RK. A political implication of drug-induced supersensitivity. *American Journal of Psychiatry* 1979;137:993 (Letter).

P-3. Pitman RK. Differential bonding and triune brain. *American Journal of Psychiatry* 1979;136:997-998 (Letter).

P-2. Pitman RK. More on dominance, Freud, and sex. *American Journal of Psychiatry* 1975;132:568-569 (Letter).

P-1. Pitman RK. Dominance and sexual behavior related to psychoanalytic literature. *American Journal of Psychiatry* 1974;131:1289 (Letter).

Invited Lectures (L):

L-81. Treatment of PTSD by reconsolidation blockade of traumatic memories with propranolol. Expert Meeting on the Attenuation of Emotional Memories. Genk, Belgium, June 5, 2019.

L-80. Psychiatric military issues. Ohio Psychiatric Physicians Association Annual Psychiatric Update, Columbus OH, March 4, 2018.

L-79. Script-driven imagery as a means of activating traumatic memory networks. Brainsway Ltd., Las Vegas, NV, February 16, 2015.

L-78. Reconsolidation blockade: a novel treatment for PTSD? Faculty of Medicine, University of Basel, Basel, Switzerland, February 28, 2014.

L-77. Novel treatments for PTSD. Symposium on Advances in Understanding Resilience and Treating Traumatic Stress. Icahn School of Medicine at Mt. Sinai, New York, NY, February 7, 2014.

L-76. Memory reconsolidation and posttraumatic stress disorder. Wisconsin Symposium on Emotion, University of Wisconsin, Madison, WI, April 18, 2013.

L-75. Reconsolidation blockade: a novel treatment for PTSD? Symposium on Psychotraumatism and Addiction, Swiss Society of Psychotraumatology, Geneva, Switzerland, March 23, 2012.

L-74. Studies of identical twins discordant for combat exposure in Vietnam, Symposium on the Stressed Brain in the 21st Century, Hunter

College of the City University of New York, New York, N.Y., March 16, 2012

L-73. Stress, anxiety, and trauma. University of Jordan Faculty of Medicine, Amman, Jordan, March 7, 2012.

L-72. PTSD and neuroscience. Al Quds University School of Medicine, East Jerusalem, Palestine, March 4, 2012.

L-71. Reconsolidation blockade: a novel treatment for PTSD? Keynote Lecture, International Society for Traumatic Stress Studies Annual Meeting, Montreal, PQ, November 6, 2010.

L-70. Reconsolidation blockade: a novel treatment for PTSD? Psychiatric Grand Rounds, New York University, New York, NY, September 30, 2010.

L-69. Reconsolidation blockade: a novel treatment for PTSD? Symposium 2010 Neurosciences Cliniques & Psychiatrie. Lausanne, Switzerland, September 2, 2010.

L-68. Reconsolidation blockade: a novel treatment for PTSD? 7th World Congress on Stress. Leiden, Netherlands, August 27, 2010

L-67. Post traumatic stress disorder: new research shows promise for a cure. Royal Ottawa Mental Health Centre. Ottawa, Canada, November 8, 2009.

L-66. Traditional and novel treatments for posttraumatic stress disorder. Chinese Medical Association Conference on Anxiety Disorders, Dalian, China, August 7, 2009.

L-65. Fear acquisition, extinction, and reconsolidation. 21st European College of Neuropsychopharmacology Conference, Barcelona, Spain, September 2, 2008.

L-64. Clarifying the origin of biological abnormalities in PTSD through the study of identical twins discordant for combat exposure. 11th International Multidisciplinary Neuroscience and Biopsychiatry Conference: Stress and Behavior, St. Petersburg, Russia, May 20, 2008.

L-63. Neuroimaging studies of post-traumatic stress disorder. VA Medical Center, West Roxbury, MA, May 16, 2007.

L-62. Neurobiological studies of post-traumatic stress disorder. Veterans Affairs Canada National Conference, Montreal, PQ, Canada, May 9, 2007.

L-61. Neuroethics of the use of propranolol for secondary prevention of post-traumatic stress disorder. National Institute of Mental Health, Bethesda, MD, April 24, 2007.

L-60. Psychobiologic studies of post-traumatic stress disorder. Cambridge Hospital Department of Psychiatry, Cambridge, MA, October 4, 2006.

L-59. Stress hormones and post-traumatic stress disorder, Koninklijke Nederlandse Akademie van Wetenschappen, Amsterdam, Netherlands, August 29, 2006.

L-58. Psychobiologic studies of post-traumatic stress disorder. Brown University Department of Psychiatry, Providence, RI, April 5, 2006.

L-57. Reconsolidation blockade with propranolol in post-traumatic stress disorder. Banbury Conference, Cold Spring Harbor, NY, March 28, 2006.

L-56. Research into novel uses of beta-adrenergic blockers in the prevention and treatment of post-traumatic stress disorder. Memory and Brain: Basic Mechanisms and Clinical Implications, University of California, Irvine, CA, March 14, 2006.

L-55. Psychobiologic studies of post-traumatic stress disorder. Boston University Department of Psychiatry, Boston, MA, May 19, 2005.

L-54. Secondary pharmacological prevention of PTSD: therapeutic implications for a translational model. PTSD: Brain Mechanisms and Clinical Implications. Kiyoto, Japan, February 17, 2005.

L-53. Psychobiologic studies of post-traumatic stress disorder. Tufts University Department of Psychiatry, Boston, MA, September 27, 2004.

L-52. Psychobiologic studies of post-traumatic stress disorder: an update. Stanford University Department of Psychiatry, Palo Alto, CA, April 15, 2004.

L-51. Conceptually driven pharmacological approaches to acute trauma. Anxiety Disorders Association of America Satellite Research Conference, Miami, FL, March 11, 2004.

L-50. Psychobiologic studies of post-traumatic stress disorder. University of Michigan Department of Psychiatry, Ann Arbor, MI, October 17, 2003.

L-49. Psychobiologic studies of post-traumatic stress disorder. University of Wisconsin Department of Psychiatry, Madison, WI, February 28, 2003.

L-48. Psychobiologic studies of post-traumatic stress disorder. Stanford University Department of Psychiatry, Palo Alto, CA, October 17, 2002.

L-47. Preventive therapeutic interventions: future perspectives. 4th National Scientific Day, Association de Formation et de Recherche des Cellules d'Urgence Médico-Psychologique, Marseilles, France, June 21, 2002.

- L-46. PTSD, the amygdala, and hormonal modulation of memory: implications for secondary pharmacologic prevention. University of Siena Conference on Traumatic Events and Mental Health, Siena, Italy, June 6, 2002.
- L-45. Clinical aspects of post-traumatic stress disorder. University of Siena Conference on Traumatic Events and Mental Health, Siena, Italy, June 5, 2002.
- L-44. Neuropsychopharmacological studies of conditioning and memory in PTSD. Massachusetts Institute of Technology Symposium on the Neuropsychiatry of Post-Traumatic Stress Disorder, Cambridge, MA May 14, 2002.
- L-43. PTSD, the brain, hormones and memory. Illinois Psychiatric Society Spring Colloquium, Chicago, IL, April 10, 2002.
- L-42. Psychobiology of post-traumatic stress disorder. Ontario Psychiatric Association, Toronto, Ontario, Canada, January 18, 2001.
- L-41. Psychobiology of post-traumatic stress disorder. Yale Trauma Recovery Program, New Haven, CT, March 2, 2000.
- L-40. Neuropeptides and post-traumatic stress disorder. Summer Neuropeptide Conference, Key West, FL, June 28, 1999.
- L-39. Neurobiology of post-traumatic stress disorder. Butler Hospital/Brown University School of Medicine, Providence, RI, February 4, 1999.
- L-38. Post-traumatic stress disorder and psychophysiology. New Hampshire Psychological Association, Manchester, NH, January 9, 1998.
- L-37. Psychobiologic research into post-traumatic stress disorder. University of Melbourne, Melbourne, Australia, December 5, 1997.
- L-36. Psychobiologic research into post-traumatic stress disorder. University of Tasmania Royal Hobart Hospital, Hobart, Australia, December 4, 1997.
- L-35. Psychobiologic research into post-traumatic stress disorder. University of Adelaide Queen Elizabeth Hospital, Adelaide, Australia, December 2, 1997.
- L-34. Psychobiologic research into post-traumatic stress disorder. University of Queensland Royal Brisbane Hospital, Brisbane, Australia, November 26, 1997.
- L-33. Psychobiologic research into post-traumatic stress disorder. University of Canberra Center for Biomedical Sciences, Canberra, Australia, November 25, 1997.

- L-32. Psychobiologic research into post-traumatic stress disorder. University of Sydney Westmead Hospital, Sydney, Australia, November 24, 1997.
- L-31. New insights into post-traumatic stress disorder. Third Irving Health Foundation Distinguished Lecture Series on Brain, Learning, and Memory. University of California, Irvine, CA, May 21, 1997.
- L-30. Psychophysiologic assessment of women's imagery of childhood sexual abuse. Cognitive Neuroscience Society, Boston, MA, March 24, 1997.
- L-29. Psychophysiologic studies of post-traumatic stress disorder. University of California at San Francisco Medical School, San Francisco, CA, November 13, 1996.
- L-28. Psychophysiologic studies of post-traumatic stress disorder. California Psychiatric Association Ninth Annual Premiere Conference, Rancho Mirage, CA, October 12, 1996.
- L-27. Psychobiology of PTSD. California Psychiatric Association Ninth Annual Premiere Conference, Rancho Mirage, CA, October 11, 1996.
- L-26. Overview of biological themes in PTSD. New York Academy of Sciences Conference on Psychobiology of Posttraumatic Stress Disorder, New York, September 7, 1996.
- L-25. Post-traumatic stress disorder. Page and William Black Post-Graduate School of Medicine Symposium on Obsessive-Compulsive Spectrum Disorders: New Dimensions and Practical Management, New York, March 30, 1996.
- L-24. Neurobiology of post-traumatic stress disorder. New Mexico Institute of Neuroimaging, Albuquerque, NM, March 15, 1996.
- L-23. Magnetic resonance imaging studies of hippocampal volume in post-traumatic stress disorder. Rockefeller University, New York, NY, February 23, 1996.
- L-22. Psychophysiology of post-traumatic stress disorder. Dartmouth Medical School Department of Psychiatry-New Hampshire Hospital, Concord, NH, October 5, 1995.
- L-21. Psychobiology of post-traumatic stress disorder. State University of New York, Buffalo, NY, June 2, 1995.
- L-20. Post-traumatic stress disorder and psychic injury. New Hampshire Bar Association Mid-Winter Meeting. Manchester, NH, January 27, 1995.
- L-19. Neurologic status of Vietnam veterans with post-traumatic stress disorder (discussion). Massachusetts Neuropsychological Society. Boston, MA, January 3, 1995.

L-18. Psychobiology of post-traumatic stress disorder. British Association for Psychopharmacology, Kings College, Cambridge, U.K., July 26, 1993.

L-17. Historical perspective on obsessive compulsive disorder. First Plenary Session, First International Obsessive Compulsive Disorder Conference, Capri, Italy, March 12, 1993.

L-16. Psychophysiology of emotion memory networks in post-traumatic stress disorder. Fifth Conference on the Neurobiology of Learning and Memory, University of California, Irvine, CA, October 23, 1992.

L-15. Psychophysiologic testing for post-traumatic stress disorder: potential forensic psychiatric application. New Hampshire Trial Lawyers Association, Concord, NH, February 25, 1992.

L-14. Psychophysiology of post-traumatic stress disorder. Hahnemann Medical College, Philadelphia, PA, February 13, 1992.

L-13. Psychophysiology of post-traumatic stress disorder. University of Kansas Medical Center, Kansas City, KS, February 8, 1991.

L-12 Psychobiology of post-traumatic stress disorder. Duke University Medical Center, Asheville, NC, August 31, 1990.

L-11. Psychophysiology of post-traumatic stress disorder. Anxiety Disorders Association of America, Bethesda, MD, March 17, 1990.

L-10. The movie *Platoon* and post-traumatic stress disorder in Vietnam veterans. Israel Film Archive Cinematheque, Jerusalem, Israel, April 6, 1989.

L-9. The movie *Platoon* and post-traumatic stress disorder in Vietnam veterans. Israel Film Archive Cinematheque, Tel Aviv, Israel, April 4, 1989.

L-8. Psychophysiological studies of post-traumatic stress disorder. Hadassah University Hospital, Jerusalem, Israel, April 3, 1989.

L-7. Psychophysiology of post-traumatic stress disorder. Uniformed Services University of the Health Sciences, Bethesda, MD, May 25, 1988.

L-6. A psychobiological network theory of post-traumatic stress disorder. University of Florida, Gainesville, FL, March 4, 1988.

L-5. Psychophysiology of post-traumatic stress disorder. Worcester Memorial Hospital, Worcester, MA, January 20, 1988.

L-4. Psychophysiology of post-traumatic stress disorder. Nielson Distinguished Lecture Program, University of Utah School of Medicine, Salt Lake City, UT, January 6, 1988.

L-3. Neuroethology of forced agitations. Butler Hospital and Brown University School of Medicine, Providence, RI, October 8, 1987.

L-2. Combat stress reaction and post-traumatic stress disorder. Tidewater Chapter, Association of Military Surgeons of the United States, Norfolk, VA, May 15, 1987.

L-1. Psychophysiology of post-traumatic stress disorder. New York University School of Medicine, New York, NY, January 29, 1987.

Grants Received (G) (All as Principal Investigator. Dollar figures indicate direct costs):

G-20. Can post mTBI neurological soft signs predict postconcussive and PTSD symptoms? May 20, 2011-December 19, 2012. U.S. Army Medical Research Materiel Command Telemedicine and Advanced Technology Research Center W81XWH-11-1-0408: \$203,311.

G-19. Psychophysiology of delayed extinction and reconsolidation in humans. January 20, 2011-19 January 2014. U.S. Army Defense Medical Research and Development Program #W81XWH-11-2-0092 (DM102744): \$999,611.

G-18. Developing memory reconsolidation blockers as novel PTSD treatments. June 1, 2008-May 31, 2013. U.S. Army Congressionally Directed Medical Research Program #W81XWH-08-2-0126 (PT075809): \$5,040,481.

G-17. A psychophysiologic study of weakening traumatic combat memories with post-reactivation propranolol. June 1, 2007-May 31, 2010. U.S. Army Congressionally Directed Medical Research Program. #W81XWH-07-1-0440 (PR064519): \$624,826

G-16. Post-trauma prophylaxis of post-traumatic stress disorder with propranolol. August 1, 2004-May 31, 2009. NIMH #1R01MH068603-01A1: \$1,512,095.

G-15. Supplement to twin study of biologic markers for PTSD. December 18, 2003-May 31, 2007. NIMH #2R01MH54636S1: \$1,535,019.

G-14. Twin study of biologic markers for PTSD. July 1, 2002-June 30, 2007. NIMH #2R01MH54636: \$1,910,188.

G-13. Secondary Prevention of Post-Traumatic Stress Disorder with Propranolol. September 1, 1998-May 31, 2002. NIMH #R01MH58671: \$300,000.

G-12. PET study of cerebral blood flow during traumatic mental imagery in PTSD. October 1, 1996-September 30, 1999. VA Medical Research Service Merit Review: \$308,800.

G-11. Twin study of biologic markers for PTSD. September 30, 1995-September 29, 2001. NIMH #R01MH54636: \$1,701,803.

G-10. Incidence and psychophysiology of PTSD in breast cancer patients and witnesses. September 26, 1994-September 25, 1998. U.S. Army Peer-Reviewed Medical Research Program (PRMRP) #DAMD17-94-J-4365: \$553,000.

G-9. Psychophysiology of visible and invisible trauma. September 1, 1994-August 31, 1997. NIH Fogarty International Center #R03TW00452: \$60,000

G-8. Psychophysiologic study of child abuse imagery in adults. September 1, 1993-August 31, 1996. NIMH #R01MH48559: \$268,000.

G-7. Psychophysiologic assessment of hormonal modulation of memory in PTSD. October 1, 1991-September 30, 1996. VA Medical Research Service Merit Review: \$460,600.

G-6. Psychophysiology of imaginal flooding treatment of PTSD. September 1, 1988-August 31, 1993. NIMH #R01MH42872: \$466,474.

G-5. Psychophysiology of post-traumatic stress disorder. April 1, 1987-March 31, 1990. VA Medical Research Service Merit Review: \$169,544.

G-4. Psychophysiology of post-traumatic stress disorder. January 1, 1987-December 31, 1991. VA Medical Research Service Research Career Development: \$523,840.

G-3. Service medical record review of PTSD Vietnam veterans. October 1, 1986-March 31, 1987. VA Medical Research Service Merit Review supplement: \$31,000.

G-2. Psychophysiological assessment of post-traumatic stress disorder. April 1, 1985-March 31, 1987. VA Medical Research Service Merit Review: \$95,000.

G-1. Conditioning, neurosis and person perception. September 15, 1983-March 31, 1987. NIMH: #R01MH39341: \$60,143.

ATTACHMENT C

From: [Stephanie Clearence](#)
To: [Hanna Kinne](#); [Margaret Kettles](#)
Subject: Dustin Duren
Date: Tuesday, December 2, 2025 11:59:20 AM

Good morning,

I am writing on behalf of Dustin Duren. Although I know a trial and a jury has already happened I think it is extremely important before his sentencing that I send this letter and share my experiences with Dustin.

I am Dustin's first cousin, we grew up very close to each other, in age and distance. When I describe him.. I might say things like he was smart, he was.. etc. but he still IS these things...
Dustin has always been really smart and really good at whatever he wanted to do. If I had to describe Dustin I would describe him as passionate and Proud, he never did anything without passion and pride and I truly looked up to him.

As a kid he was into the usual "90's kids stuff" , Teenage Mutant Ninja Turtles, N64, Football and playing outside. He shared his toys, he would change the settings on the characters so that you had a better chance of winning when playing against him in video games... He was always the calm and collected. He would never get mad and quit, if he was upset he would just redirect. It was like he had the attitude of "being upset is a waste of my time" and he would move on to something that would serve his time and passion better.

Once Dustin got into middle/high school, from as long as I can remember... he loved two things, music and the Marines. He started playing guitar and he absolutely loved it. His friends would come over and they would play in the basement. As far as the Marines went, his dad, as you know, served and Dustin so proud of that. He was very Patriotic, he followed the rules, got good grades and was very disciplined. He could not wait to graduate high school and become a Marine, carrying on that passion and pride.

Once he joined he sent letters, kept in touch, talked about the Marines and how much he loved it and the great people he met. He came home on his leaves and we would always get together, he was the same old Dustin but with more confidence. He told great stories with pride and passion. When he was deployed/over seas we would talk often via email/social media about how there were concerts/events/sights he saw and he was so excited to talk about them.

When Dustin got out of the Marines and moved to Los Angeles to start music school it's like a whole second half of his life started.. The Marine chapter was over, he fulfilled that passion and it seemed he was able to focus on his second passion. He quickly made friends, became super active in The Legion, the music community, got a girlfriend and was just thriving. I went out and visited him a few times and he was so proud to show us around. He introduce us to his friends and his life he built out there.. He didn't mind doing all of the 'tourist stuff' even though I knew he had done it a bunch of times. He was the same old Dustin.

Once Dustin graduated from school, I lost touch with him a little bit, life gets busy, he didn't come home as much and I just didn't see him. I know he and his girlfriend he had in California broke up and I think that's when i remember he started running into some obstacles... I think he was looking for his place and where he belonged and his two passions weren't necessarily working like they used to.

He came back home for a bit and for the first time ever I could see that that usual pride and passion wasn't there... He projected confidence but he was not comfortable in the sense of.. anywhere he was or in his own skin.. He knew there was opportunity out there for him and he knew he didn't want to live in MN but seemed stuck, which was not an option for him, he doesn't do stuck. So, he set back out to find his passions again

Once Dustin left, he wasn't the same, his whole demeanor changed, he seemed to struggle with his "place" and talked about trying to find a community.. He no longer had that passion or pride. He fought hard to get back on track and did what he always did, he joined a gym, found some friends and he stayed active in veterans groups. Whether you are with him or against him HE. FOUGHT. HARD. He wanted to do well he is not wired to struggle and he wanted to figure it out.

Once his girls came into this world he was proud again, he was passionate .. with them. Whenever he talked about them he lit up, but when he talked about other things you could tell that's where the pride and passion left... He was still fighting.

I know two things to be true... I know what happened was absolutely horrible, tragic and a nightmare all of the way around to ALL sides.. I also know that Dustin does not have an evil soul.. He was not born evil, something happened to him in his time in the Marines that changed him forever. I do not know the horrors that he witnessed or endured, nor do i need or want to know, but what I do know is whatever happened changed him and he fought hard.

There are evil people in this world.. people are born with ill intent and I truly believe that is true.. Dustin is not that person. He has love in his heart and people who love him and care about him. He had pure intentions, passions and pride.. He wanted to serve our country and they trained him to be who he is and it altered him. There is zero argument our veterans fight a war we couldn't begin to comprehend after their duty is over and that is Dustin's reality. Dustin deserves to be treated with the dignity, respect that he used to serve this country. He deserves to live in his faith and have regular contact with other veterans that can help him work through what he is fighting so he can find that peace he was DESPERATELY seeking.

Again, there is nothing anyone involved wouldn't give to take back what happened... And I am not any sorts of Almighty I just know my experience of who I grew up with and who I know now.

Thank you for your time,

Stephanie Novotny

Dear, Judge Frizzell,

My name is Dawn Clearence, I'm Dustin Duren's aunt.

I'm writing to you today to talk about Dustin and the person that he is. I am aware of the incident in Berlin, NH on February 28, 2024, but that is not who Dustin is.

Dustin proudly served our country for six years as a US Marine. It was no surprise that Dustin not only met every challenge he excelled. Dustin is smart, a hard worker, and talented musician to name a few. It was easy to see that Dustin was the happiest when he was with his daughters Elowyn and Vaelyn. They had so much fun together.

Dustin is a proud and loving man with so much to offer our society in general. We need good people like Dustin.

I realize that the unspeakable happened on February 28, but that is not who Dustin is. He is a good man, not a criminal, not even a troublemaker.

Today, I'm asking you for leniency on December 11, 2025, at Dustin's sentencing.

Thank you in advance for taking time to read my letter and for your consideration on December 11, 2025.

Sincerely,

Dawn M. Clearence

From: [MARK DUREN](#)
To: [Margaret Kettles](#); [Hanna Kinne](#)
Subject: Letter to Judge Frizzell
Date: Sunday, November 30, 2025 7:54:17 PM

Judge Frizzell,

Dustin is our oldest son. He was an honor student in junior and senior high, along with being on the football and track teams.

He joined the USMC while still in high school and left for basic training 5 days after graduation. He was deployed to Iraq in 2008. He was honorably discharged in 2011 with undiagnosed PTSD.

He moved to California to take advantage of his GI bill education benefits. He earned his degree in Audio Engineering.

He met Caitlyn in January 2019. Elowyn was born in December 2019.

She changed his life completely. He loves her with all of his heart, she gave his life purpose and meaning. Vaelyn was born in January 2023. His love and purpose doubled. He is an amazing Dad, loving and patient.

Both girls love and miss him tremendously.

Dustin is a good man - honest, intelligent, ethical and moral. He has no criminal history, not even a traffic ticket.

Dustin consistently wants to learn and better himself. Since his incarceration he has been seeing a counselor, when available, and reading extensively, mostly about people facing tough situations. He has also met and connected with the Pastor of a local church. This Pastor literally saved his life after a suicide attempt and saved his soul by teaching him how to allow Jesus into his life.

Please consider the good man that he is and has been all of his life until PTSD triggered this tragedy.

Respectfully,
Debra Duren

Sent from my iPhone

From: [Denise Wagner](#)
To: [Margaret Kettles](#)
Subject: Dustin Duren
Date: Sunday, November 30, 2025 7:43:27 PM

Denise Wagner
26737 Riverview Drive
Mora Mn 55051

The Honorable Judge Frizzell

Dear Judge Frizzell,

My name is Denise Wagner. I'm writing with respect to the court and not to dismiss the seriousness of what took place. I would like to give some of my insight of Dustin Duren.

I have had the pleasure of knowing Dustin his entire life. Dustin is my nephew and godson. I have always known him to have honor and integrity. He is kind, patient and soft spoken.

Dustin is a Marine who served our country. He has no prior record. Good work ethic. He supported and took care of his family.

Dustin has 2 young daughters who need his strength and guidance as they grow up.

I'm respectfully asking for leniency. It's heartbreaking to see this person I know as a kind, good hearted and loving dad, to be facing this life changing sentence. I also, respectfully am not diminishing the severity of what took place.

Thank you for taking the time and your consideration of my letter

Respectfully
Denise Wagner

Dear Judge Frizzell,

My name is Lonnie Selph and I am writing to respectfully share my perspective on Dustin Duren as you consider his sentencing. I know the seriousness of the situation, and I want to start by saying I am not trying to minimize the crime or pain that has been caused. I understand the weight of it, and I respect the difficult decisions that you must make.

I have known Dustin since we met in Okinawa, Japan around 2008. We were far from home, separated from our families and dealing with the stress, challenges and isolation that comes with military life overseas. We leaned on each other and a genuine friendship grew. During that time, I saw the side of him that wasn't shown in a court room- the side that's caring, loyal, and willing to be there for people. I know the crime he committed doesn't erase the good moments, but it also doesn't erase the person he was to everyone around him.

It's hard to see a friend-someone you once stood beside in uniform-facing the consequences of something so life-altering. I am willing to support him in any positive steps he chooses to take. I know your responsibility is to the law, and to justice. I'm not asking the Court to ignore the facts, only to please consider the full picture of who Dustin is as a whole person, not just the person he was in the worst moment of his life.

I appreciate you taking the time to read this letter and letting me share my perspective.

Respectfully,

Lonnie Selph

A handwritten signature in black ink, appearing to be 'Lonnie Selph', written in a cursive style with a long horizontal stroke extending to the right.

From: [Pat Duren](#)
To: [Margaret Kettles](#); [Hanna Kinne](#)
Subject: [SPAM] Dustin Duren
Date: Wednesday, December 3, 2025 2:10:58 PM

Honorable Judge Frizzel

My name is Pat Duren and I am the uncle of Dustin Duren who is before you for sentencing.

I am writing to you to consider some leniency for Dustin Duren. While we don't condone the events that happen I feel there is much more to Dustin than what you heard in the trial.

He is the son of 2 wonderful parents
He is the brother to his sister and brother
He is the uncle of 4 nieces and nephews
He is the nephew of 8 aunts and uncles
And most importantly he is the Father of 2 children who I am certain miss him dearly.

Dustin has spent 4 years serving our country where through his leadership he earned the respect of his peers and superiors. He has been on deployments and was quickly advanced through the ranks.

Dustin enjoys music and I recall the joy he had while playing his guitar at a family gathering.

I remember having dinner with Dustin while in Las Vegas and I could see how much he enjoyed being a father to his children.

Like I mentioned earlier I feel there is much more to Dustin than what you heard from the trial and I hope you will consider some leniency in his sentencing.

Pat Duren

From: [C.C](#)
To: [Margaret Kettles](#); [Hanna Kinne](#)
Subject: Dustin Duren
Date: Sunday, November 30, 2025 9:58:39 PM

Dear Margaret, Hanna-
Below is a letter to Judge Frizzell regarding my nephew, Dustin Duren.

Could you please forward to Judge Frizzell?
Thank you very much for your time and help.
Kind Regards,
Christopher Carroll

To: The Honorable Judge Frizzell.

Dear Judge Frizzell,
I am writing to you regarding my nephew, Dustin Duren. My name is Chris Carroll and I am Dustin's Uncle.
I understand Dustin is facing a lengthy prison term as a result of his actions.

I would like to share some positive things about Dustin and also a favorite memory. I have always known Dustin to be a thoughtful, caring and hard working young man. Dustin served our country as a Marine from 2005 - 2011. Dustin is also an Iraq War Veteran (2008). During his time in the Military, Dustin was often over-seas and away from family. I remember Christmas gatherings when the family was together and Dustin was over-seas, we would all have a chance to talk with him on the phone and he would send home gifts from wherever he happened to be stationed- I still have Christmas ornaments he sent to me. I believe service to our country was very important to Dustin, even if it meant time away from home and time away from family. I believe that speaks volumes about his character.

I know Dustin loves and cares deeply for Elowyn and Vaelyn. And if I may speak on behalf of Elowyn and Vaelyn, I know they miss their dad every day and always ask when they are able to see or talk to him again. They both love him - there is a definite, undeniable bond between them. As you consider sentencing, I'm hopeful for leniency so, at some point, Dustin can be a loving father to these two beautiful girls again.

I, and all his family, love Dustin very much.
Thank you very much for your time and consideration.

Respectfully Yours,
Christopher Carroll